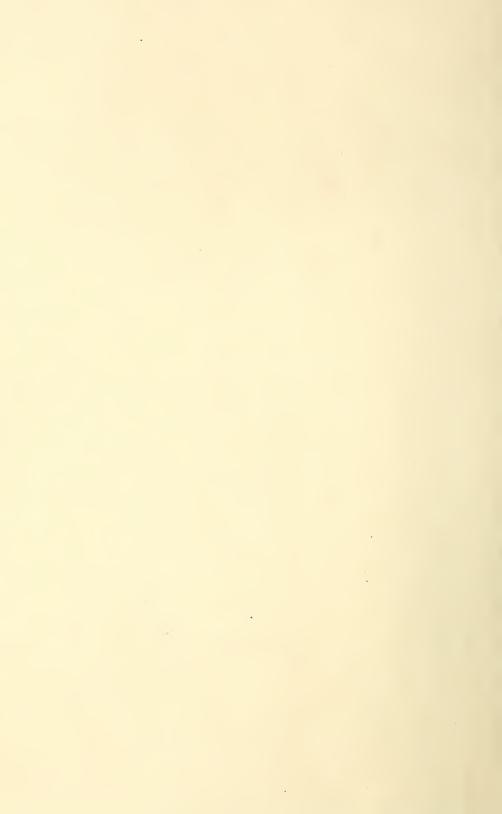
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N. J., F. D. 29301–29425

JAN 14 (8)

Issued January 1939

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29301-29425

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 28, 1938]

29301. Adulteration of apple butter. U. S. v. 74 Cases, 34½ Cartons, and 49½ Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. Nos. 41476, 41477, 41478. Sample Nos. 45059-C, 45060-C, 45061-C.)

This product contained worm and insect fragments and mites.

On January 21, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 158 cases and cartons of apple butter at Sacramento, Calif.; alleging that the article had been shipped in interstate commerce in part on or about May 7, 1937, by Preserves & Honey, Inc., and in part on or about July 30, 1937, by Hecker Products Corporation from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H & H Brand Pure Apple Butter * * * Preserves & Honey Inc. [or "Hecker Products Corporation"] New York, N. Y."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29302. Adulteration of crab meat. U. S. v. O. R. Mills Fisheries, Inc., and Otis R. Mills. Plea of nolo contendere. Judgment of guilty. Fine, \$40 on first count. Imposition of sentence on second, third, and fourth counts suspended. (F. & D. No. 40764. Sample Nos. 48207-C, 48209-C, 48210-C, 48217-C.)

Samples of this product were found to contain evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against O. R. Mills Fisheries, Inc., Seaford, Va., and Otis R. Mills, an officer of the corporation, alleging shipment by said defendants within the period from on or about July 20 to on or about July 28, 1937, from the State of Virginia into the States of Pennsylvania and Delaware, of quantities of crab meat that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and

in part of a filthy animal substance.

On May 12, 1938, a plea of nolo contendere having been entered on behalf of the defendants, the court entered judgment of guilty and imposed a fine of \$40 and costs on the first count. Imposition of sentence on the remaining counts was suspended for a period of 3 years.

HARRY L. BROWN, Acting Secretary of Agriculture.

29303. Adulteration of maple strup. U. S. v. 60 Drums and 62 Drums of Maple Sirup. Product released under hond to be deleaded. (F. & D. Nos. 42385, 42386. Sample Nos. 12384-D, 12385-D, 14257-D, 14260-D.)

This product contained lead.

On May 18, 1938, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 122 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 26, 1938, by T. J. Ford in part from Cincinnatus, N. Y., and in part from McGraw, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it in-

jurious to health.

On June 24, 1938, T. J. Ford, St. Regis Falls, N. Y., claimant, having admitted the allegations of the libel, judgments were entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29304. Adulteration of apples. U. S. v. 140 Bushels and 50 Bushels of Apples, Default decree of condemnation and destruction. (F. & D. No. 40545. Sample Nos. 64513-C, 64515-C.)

This product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 190 bushels of apples at Dallas, Tex.; alleging that the article had been shipped in interstate commerce by John W. Trammell to himself at Dallas, Tex., on or about October 1, 1937; and charging that the article was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in that the apples contained added poisonous ingredients, arsenic and lead, which might have rendered them injurious to

health.

On November 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29305. Adulteration and misbranding of olive oil. U. S. v. Antonio Corrao. Plea of guilty. Fine, \$1,200, which was remitted. Sentence, 30 days in jail. (F. & D. No. 40771. Sample Nos. 36679-B to 36682-B, incl.)

This product was represented to be pure imported olive oil, but consisted

chiefly of cottonseed oil artificially colored and flavored.

On November 8, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Antonio Corrao, trading in the name and guise of F. Sacco, alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 19 and July 5 and 9, 1935, from the State of New York into the State of Massachusetts, of quantities of a product purporting to be olive oil and which was adulterated and misbranded. The article was labeled in part: "Italia Brand Pure Imported Olive Oil"; "Sublime Olive Oil Acomo Fo Brand"; "Virgin Olive Oil Imported Superfine Brand."

It was alleged to be adulterated in that a product consisting chiefly of artificially colored and flavored cottonseed oil had been substituted for olive oil, which it purported solely to be; and in that a substance, artificially colored and flavored cottonseed oil, had been mixed and packed with it so as to reduce,

lower, and injuriously affect its quality and strength.

Misbranding was alleged in that the following statements and designs appearing on the labels of the several brands were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since the statements and designs represented that the article consisted solely of olive oil produced in and imported from a foreign country, Italy; whereas the article was not such a product, but consisted almost wholly of cottonseed oil artificially colored and flavored: (Italia brand) "Italia Brand Pure Imported Olive Oil Liguria Finest Virgin Guaranteed Absolutely Pure Best Results For Medicinal Purposes * * The Olive Oil Contained In This Can Is Guaranteed To Be Absolutely Pure Under Chemical Analysis," similar statements in Italian, "I.'Olio d' Oliva Marca Italia Importato" and "Imported

From Italy," and the design of olive branches bearing the ripened fruit; (Acomo Fo brand) "Imported Products Sublime Olive Oil Acomo Fo Brand * * * The Olive Oil Contained In This Can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law [similar statements in Italian] * * * Imported from Italy," and the design of olive branches bearing the ripened fruit; (Superfine brand) "Italian Product Virgin Olive Oil Imported Superfine Brand Lucca [and similar statements in Italian] * * * Finest quality * * * this imported olive oil is guaranteed to be absolutely pure under chemical analysis * * * Questo Olio D'Oliva Importato E' Garantito Assolutamente Puro Sotto Analisi Chimica," "Garanzia Della Qualita," and "Imported from Italy," and the design of olive branches bearing the ripened fruit. Misbranding was alleged further in that the article was an imitation of another article, namely, olive oil.

On November 17, 1937, a plea of guilty having been entered, the court imposed a fine of \$1,200 and sentenced the defendant to 30 days' imprisonment,

but ordered that the fine be remitted.

HARRY L. Brown, Acting Secretary of Agriculture.

29306. Misbranding of canned cherries. U. S. v. 30 Cases and 60 Cases of Canned Cherries (and one similar scizure action). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42211, 42212, 43013. Sample Nos. 9135-D, 9136-D, 27502-D.)

This product was substandard, a portion because of the presence of an excessive number of pits and the remainder because of excessive packing medium,

and it was not labeled to indicate that it was substandard.

An April 19 and July 15, 1938, the United States attorneys for the Eastern District of Texas and the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 90 cases of canned cherries at Tyler, Tex., and 108 cases of canned cherries at Sheridan, Wyo., consigned by Kuner-Empson Co.; alleging that the article had been shipped in interstate commerce in the period from on or about August 20, 1937, to on or about May 19, 1938, in part from Brighton, Colo., and in part from Longmont, Colo.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled variously: "Empson's * * * Red Pitted Cherries [or "Red Sour Pitted Cherries"] The Empson Packing Co. * * * Brighton, Colo"; "Kuner's Red Pitted Cherries * * * Kuner Pickle Co. * * * Brighton, Colo."

The article was alleged to be misbranded in that it fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture since there was present in a portion more than 1 cherry pit for each 20 ounces of net contents, and there was present in the remainder excess packing medium and the labels did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such

standard.

On June 3 and August 4, 1938, Kuner-Empson Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29307. Adulteration and misbranding of Lemon Bar Mix. U. S. v. 4½ Cases of Lemon Bar Mix. Default decree of condemnation and destruction. (F. & D. No. 43023. Sample No. 35281-D.)

The labeling and appearance of this product conveyed the impression that it was lemon juice; whereas it consisted of a mixture of acid, water, artificial color, lemon-peel flavor, and artificial cloud containing little or no lemon juice.

On July 11, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4½ cases of Lemon Bar Mix at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from Springfield, Mass., by G. & G. Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lemon Bar Mix * * * G. & G. Co. Springfield, Mass."

It was alleged to be adulterated in that a substance consisting of acid, water, artificial color, lemon-peel flavor, and artificial cloud and containing little or no lemon juice had been substituted in whole or in part for the article; and in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained little or no lemon juice: "Lemon * * * Use Wherever Lemon Juice Is Required. Prepared With Materials Naturally Present In Imported and Domestic Lemons." It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, lemon juice.

On August 9, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29308. Adulteration of maple sirup. U. S. v. 59 Drums of Maple Sirup. Product released under bond to be deleaded. (F. & D. No. 42376. Sample No. 25587-D.)

This product contained lead.

On May 18, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, by Walter Marshall from Stamford, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it in-

jurious to health.

On July 2, 1938, Walter Marshall, Northumberland, N. H., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

dulteration of maple sirup. U. S. v. 35 Drums of Maple Sirup. Product ordered released under bond to be deleaded. (F. & D. No. 42288. Sample No. 9440-D.) 29309. Adulteration of maple sirup.

This product contained lead,

On May 17, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 7, 1938, by F. W. Embt & Son from Varysburg, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisoness or deletering ingredient lead which might be a representation in the state of th

poisonous or deleterious ingredient, lead, which might have rendered it in-

jurious to health.

On June 24, 1938, F. W. Embt, Varysburg, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

HARRY L. Brown, Acting Secretary of Agriculture.

29310. Adulteration of maple sirup. U. S. v. 78 Drums of Maple Sirup. Product ordered released under bond to be deleaded. (F. & D. No. 42414. Sample No. 12390-D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 29, 1938, by Fairfield Farms Maple Co. from Croghan, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it inturious to health.

jurious to health.

On July 2, 1938, H. H. Gervais, St. Johnsbury, Vt., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29311. Misbranding of canned peas. U. S. v. 51 Cases of Canned Peas (and 4 similar actions). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41664, 41665, 41725, 41726, 41727. Sample Nos. 2120-D, 2166-D, 2168-D, 2169-D, 2170-D.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 19 and 21, 1938, the United States attorney for the District of South Dakota, acting upon reports by the Secretary of Agriculture, filed in the district court five libels praying seizure and condemnation of 344 cases of canned peas in various lots at Sioux Falls, Brookings, Huron, and Watertown, S. Dak.; alleging that the article had been shipped in interstate commerce on October 27 and 29, 1937, from Port Washington, Wis., by Clyman Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ozaukee [or "Win-All"] Brand * * * Peas * * * Knellsville Pea Canning Company [or "Co."] Fort Washington, Wisconsin."

It was alleged to be misbranded in that it was substandard because the peas

were not immature, since the alcohol-insoluble solids in the drained peas exceeded 23.5 percent, and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the contents of the cans were substandard.

On March 31, 1938, Morin, Beattie Co., Sioux Falls, S. Dak.; Beattie, Steinborn Co.; Brookings, S. Dak.; Morin, Colton & Co., Huron, S. Dak.; and Park Grant Co., Watertown, S. Dak., claimants for respective lots of the article, having admitted the allegations of the libels and having consented to the entries of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. Brown, Acting Secretary of Agriculture.

dulteration of flour. U. S. v. 5 Barrels of Flour. Default decree of condemnation and destruction. (F. & D. No. 43128. Sample No. 15278–D.) Default decree of 29312. Adulteration of flour.

This product was infested with insects.

On August 2, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of flour at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about July 1, 1938, from Chicago, Ill., by Armour & Co.,; and charging adulteration in violation of the Food and Drugs Act. The product originally had been shipped by Ettlinger Casing & Supply Co. from Kansas City, Kans., to Armour & Co., by whom it was returned as alleged in the libel. The article was labeled in part: "Ettlinger Sausage and Loaf Binder Flour * * * Ettlinger Csg. & Sup. Co. K. C. Mo."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29313. Adulteration of crab meat. U. S. v. 1 Keg of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43227. Sample No. 34156-D.)

This product contained evidence of the presence of filth.

On August 6, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one keg of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about August 3, 1938, by Wallace M. Quinn Co., from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted of a filthy animal sub-

stance.

On August 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29314. Adulteration of flour. U. S. v. 105 Sacks and 140 Sacks of Flour. Consent decrees of condemnation. Product released under bond conditioned that unfit portion be denatured or destroyed. (F. & D. Nos. 40483, 40560. Sample Nos. 37744-C, 37755-C.)

Samples of this product were found to be insect-infested. A portion of the

sacks failed to bear a statement of the quantity of contents.

On October 14 and 23, 1937, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 sacks of flour at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 11 and July 21, 1937, from Fostoria, Ohio, by Mennel Milling Co.; and charging that a portion was adulterated and the remainder was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part "The Mennel Milling Company."

One lot was alleged to be adulterated in that it was insect-infested.

The remaining lot was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously

marked on the outside of the package, since no quantity was stated.
On January 24, 1938, Leopold Gross, Inc., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that both lots be segregated, the good from the bad, and that the latter be destroyed or denatured so that it could not be disposed of for human consumption.

HARRY L. Brown, Acting Secretary of Agriculture.

29315. Adulteration and misbranding of butter. U. S. v. 66 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43232. Sample No. 19169-D.)

This product contained less than 80 percent of milk fat.

On July 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by Star Valley Creamery Co. from Afton, Wyo,; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Star Valley Creamery Butter Star Valley Creamery Co. Afton—Wyoming."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of

March 4, 1923.

The article was alleged to be misbranded in that the statement "Creamery Butter" was false and misleading and deceived and mislead the purchaser when applied to a product which contained less than 80 percent of milk fat.

On August 22, 1938, the Star Valley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29316. Misbranding of canned peas. U. S. v. 358 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41946. Sample No. 15209-D.)

This product was substandard because the peas were not immature, and it

was not labeled to indicate that it was substandard.

On March 18, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 cases of canned peas at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by Johannes Pure Food Co. from Cleveland, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grocer Boy Brand Wisconsin

Early Variety Peas * * * Packed by Knellsville Pea Canning Company Port Washington, Wis."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 2, 1938, the Hershey Wholesale Grocery Co., Kansas City, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29317. Adulteration of apples. U. S. v. 70 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43786. Sample No. 31278-D.)

This product was contaminated with lead.

On August 19, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bushels of apples at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about August 15, 1938, by Samuel Sam from Dunkirk, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful

to health.

On August 27, 1938, judgment of condemnation was entered and the product was ordered destroyed, the consignee in view of its perishable nature, having recommended its destruction.

HARRY L. Brown, Acting Secretary of Agriculture.

29318. Adulteration of crab meat. U. S. v. 13 Cans, 8 Cans, and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43113, 43168. Sample Nos. 34044—D.)

This product contained evidence of the presence of filth.

On July 22 and 30, 1938, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 cans and 1 barrel of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about July 19 and July 27, 1938, by Alex Haddaway from Claiborne, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy

animal substance.

On August 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29319. Adulteration of ketchup and tomato juice cocktail. U. S. v. 479 Cases of Ketchup and 266 Cases of Tomato Juice Cocktail. Consent decree of condemnation. Products released under bond conditioned that containers be salvaged and contents destroyed. (F. & D. No. 41983. Sample Nos. 13816-D., 13817-D.)

Analyses showed that these products contained excessive mold.

On March 17, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 479 cases of ketchup and 266 cases of tomato juice cocktail at Somerville, Mass.; alleging that the articles had been shipped in interstate commerce on or about February 7, 1938, by Curtice Bros. Co. from Rochester, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Blue Label Ketchup [or "Tomato Juice Cocktail"] * * * Curtice Brothers Co. Rochester, N. Y."

They were alleged to be adulterated in that they consisted in whole or in

part of a decomposed and filthy vegetable substance.

On April 15, 1938, Curtice Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were

ordered released under bond conditioned that the bottles and cases be salvaged and the contents destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29320. Adulteration of cherries. U. S. v. 314 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43146. Sample No. 29891-D.)

This product was contaminated with lead.

On July 16, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 314 baskets of cherries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 15, 1938, by J. Edward McGowan from Marlborough, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled "Jeremiah Lasher Germantown N. Y."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29321. Misbranding of canned cherries. U. S. v. 24 Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43087. Sample No. 18049-D.)

This product was substandard because the cherries were packed in water,

and it was not labeled to indicate that it was substandard.

On July 16, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned cherries at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about April 29, 1938, by Paulus Bros. Packing Co. from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "White Tag R. S. P. Cherries * * * Paulus Bros. Packing Co. Salem, Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it was water pack and its package or label did not bear the plain and conspicuous statement prescribed by the Secretary

indicating that it fell below such standard.

On August 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29322. Adulteration of huckleberries. U. S. v. 13 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 43235. Sample No. 29898–D.)

This product was infested with maggots.

On July 26, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 crates of huckleberries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 24, 1938, by A. W. Colwell from Clinton, N. C.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On August 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29323. Adulteration of curry powder. U. S. v. 6 Cans of Curry Powder. Default decree of condemnation and destruction. (F. & D. No. 43127. Sample No. 19148-D.)

This product contained excessive lead.

On July 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of curry powder at Los Angeles, Calif.; alleging that the article had been imported

into the United States on or about April 22, 1938, that it had been shipped from Madras, India, by Chettier & Co.; and charging that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious

to health.

On August 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29324. Adulteration of flour. U. S. v. 280 Sacks of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 43084. Sample No. 28976-D.)

This product was insect-infested.

On July 18, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 sacks of flour at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about September 17, 1937, from Tampa, Fla., by Ballard & Ballard Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Grass Self-Rising Flour * * * Pioneer Mills Louisville, Ky."

It was alleged to be adulterated in that it consisted in whole or in part of

a filthy vegetable substance.

On August 13, 1938, Ballard & Ballard Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of law, both State and Federal.

HARRY L. Brown, Acting Secretary of Agriculture.

29325. Adulteration of crab meat. U. S. v. 44 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43157. Sample No. 34143-D.)

This product contained evidence of the presence of filth.

On July 21, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 pounds of crab meat at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 19, 1938, by W. C. Larrimore from St. Michaels, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy

animal substance.

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29326. Adulteration and misbranding of flour. U. S. v. 185 Bags and 56 Bags of Flour. Consent decrees of condemnation. Product released under bond, one lot to be relabeled and the other to be disposed of for purposes other than for human food. (F. & D. Nos. 43219, 43220. Sample Nos. 37627-D, 37628-D.)

One lot of this flour was insect-infested; and the other was bleached and its label failed to bear a conspicuous statement indicating that it was bleached.

On August 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 241 bags of flour at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 6, 1938, by Kimbell Diamond Milling Co., from Sherman, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. One lot was labeled: "Kimbell's Best Baker's Patent Flour Manufactured by Kimbell Diamond Milling Co. Sherman, Tex." The other lot was labeled: "Whitewright Milling Co. Lone Star Extra Quality Baker's Flour Fort Worth, Texas bleached."

One lot was alleged to be adulterated in that it consisted in whole or in part

of a filthy vegetable substance.

The other lot was alleged to be misbranded in that the word "bleached," printed in yellow type near the bottom of the bags, was false and misleading and tended to deceive and mislead the purchaser since it was so inconspicuously

placed as to be illegible.

On August 11, 1938, the Kimbell Diamond Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered. The decrees provided, however, that the product be released under bond conditioned that the insect-infested lot be denatured so that it could not be used for human consumption but might be used as feed for animals and that the misbranded lot be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29327. Adulteration of canned pork and beans. U. S. v. 443 Cases of Pork and Beans. Default decree of condemnation and destruction. (F. & D. Nos. 42916, 42917. Sample Nos. 27231-D, 27232-D.)

Samples of this product were found to contain moldy beans.

On June 11, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 443 cases of canned pork and beans at Denver, Colo., consigned by Norfolk Packing Co.; alleging that the article had been shipped in interstate commerce on or about March 4, 5, and 14, 1938, from Plattsmouth, Nebr.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "General Jackson Brand * * * Morgan Packing Co. Austin, Ind." The remainder was labeled: "Columbus Brand * * * Columbus Packing Co. Columbus, Ind."

The article was alleged to be adulterated in that it consisted wholly or in

part of a decomposed vegetable substance.

On July 27, 1938, no answer having been filed, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29328. Misbranding of flour. U. S. v. 100 Sacks of Flour. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43011. Sample No. 21158-D.)

Analysis indicated that this product was bleached flour, which fact was not

conspicuously declared on the label.

On July 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 sacks of flour at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, by Nappanee Milling Co., Inc., from Nappanee, Ind.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cinderella Cake Flour * * * Nappanee Milling Co., Inc. Nappanee, Ind."

It was alleged to be misbranded in that the prominent designation "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled or branded so as to deceive and mislead the purchaser since the label failed to bear a

conspicuous statement indicating that it was bleached.

On July 9, 1938, Nappanee Milling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29329. Adulteration of candy. U. S. v. 22 Boxes, 7 Boxes, and 15 Boxes of Candy. Default decrees of destruction. (F. & D. Nos. 42883, 42935. Sample Nos. 24828-D, 24829-D, 24860-D.)

Samples of this product were found to contain rodent hairs and insect

fragments.

On June 4 and 18, 1938, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 boxes of candy at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on or about April 6 and May 27, 1938, from Jacksonville, Fla., by Dillon Candy Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dillon Candy Co. Jacksonville Florida."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

filthy vegetable substance.
On August 2, 1938, no claimant having appeared, judgments were entered

ordering that the product be destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29330. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 43799. Sample No. 33945-D.)

This product was found to be filthy or decomposed, or both.

On August 16, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Bristol, Va.; alleging that the article had been shipped in interstate commerce on or about August 12, 1938, by J. T. Bible from White Pine, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid animal substance.

On August 16, 1938, the owner having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29331. Adulteration of cream. U. S. v. Three 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 43800. Sample No. 33952-D.)

This product was found to be filthy or decomposed, or both.

On August 24, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans of cream at New Martinsville, W. Va.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by A. E. Branon from Albany, Ohio; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid animal substance.

On August 24, 1938, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29332. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43509. Sample No. 26134-D.)

This product contained less than 80 percent of milk fat.

On August 19, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Johnson Stores, Inc., from Michigan, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by

act of March 4, 1923.

On August 30, 1938, the Johnson Stores Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department so that it contain at least 80 percent of milk fat.

HARRY L. Brown, Acting Secretary of Agriculture.

29333. Adulteration of crab meat. U. S. v. 194 Pounds and 9 Pounds of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43230, 43231. Sample Nos. 34151-D, 34152-D.)

This product contained evidence of the presence of filth.

On July 30, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 203 pounds of crab meat

at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 27 and 28, 1938, by Crocheron Bros. Packing Co., from Crocheron, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy animal substance.

On August 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29334. Adulteration of huckleberries. U. S. v. 53 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 43234. Sample No. 30301-D.)

This product was infested with maggots.

On July 28, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 crates of huckleberries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 27, 1938, by Nicholas Coia, from Hammonton, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On August 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29335. Adulteration of candy. U. S. v. 19 Cartons and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43076, 43077. Sample Nos. 23888-D, 23890-D.)

This product was insect-infested.

On or about July 15, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cartons and 10 boxes of candy at Houston, Tex.; alleging that the articles had been shipped in interstate commerce in various shipments on or about January 16, February 10, and October 27, 1937, by Blumenthal Bros. from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Blumenthal Bros. Philadelphia."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On August 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29336. Adulteration of ocean perch fillets. U. S. v. 238 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 42133. Sample No. 19437-D.)

This product was decomposed.

On April 6, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 boxes of ocean perch fillets at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on or about March 28, 1938, by Midwest Cold Storage Co. from Green Bay, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part

of a decomposed animal substance.

On July 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29337. Adulteration of caramels. U. S. v. 43 Boxes of Chocolate-Covered Caramels. Default decree of condemnation and destruction. (F. & D. No. 42994. Sample No. 14623–D.)

This product contained rodent hairs and worm fragments.

On June 29, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 boxes of caramels at

Worcester, Mass.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, from Brooklyn, N. Y., by the Metro Chocolate Co., Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Chocolate Covered Milky Caramels Mfg. By Metro Chocolate Co. Brooklyn, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part

of a filthy vegetable substance.

On August 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29338. Adulteration of candy. U. S. v. 14 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42900. Sample No. 25900–D.)

This product contained rodent hairs and filth.

On June 7, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about May 26, 1938, by Shapiro Candy Manufacturing Co., Inc., from Brooklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shapiro Candy Mf'g. Co., Inc., Brooklyn, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On August 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29339. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43293. Sample No. 34057–D.)

This product contained evidence of the presence of filth.

On August 1, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at York, Pa.; alleging that the article had been shipped in interstate commerce on or about July 28, 1938, by Alex Haddaway, of Claiborne, Md., from McDaniel, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy animal substance.

On August 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29340. Misbranding of flour. U. S. v. 395 Sacks of Flour. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43020. Sample No. 21165-D.)

This product was bleached flour but was not labeled to indicate that it was

bleached.

On July 7, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 395 sacks of flour at Chicago, Ill., consigned on or about June 9, 1938; alleging that the article had been shipped in interstate commerce by Thomas Milling Co. from Lansing, Mich.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Thomas Patent Flour White Moss Rose, Lansing Michigan."

It was alleged to be misbranded in that the designation "Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled or branded so as to deceive and mislead the purchaser since the label failed to bear a conspicuous statement

indicating that the flour was bleached.

On July 11, 1938, Thomas Milling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29341. Misbranding of canned cherries. U. S. v. 100 Cases and 17% Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 42460, 42956. Sample Nos. 18766-D, 20009-D.)

This product was substandard because of the presence of excessive pits and because it was packed in water, and it was not labeled to indicate that it was substandard. The labels of a portion failed to bear a correct statement of the quantity of contents since the weight declared was that of the drained weight of

the fruit and not of the entire contents.

On May 24 and June 17, 1938, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 117% cases of canned cherries at Los Angeles, Calif.; alleging that a portion had been shipped in interstate commerce on or about May 5, 1938, by C. S. Kale Canning Co. from Bellingham, Wash., that the remainder had been packed by the C. S. Kale Canning Co., and had been shipped by Burrington, Case & Gibson, from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bakers Delight Brand * * * Interstate Wholesale Grocery Co. Distributors Red Sour Pitted Cherries Net Contents—4 lbs. 10 Ozs."

A portion was alleged to be misbranded in that the statement "Net Contents 4 lbs 10 Ozs." was false and misleading and tended to deceive and mislead the purchaser since it did not state the food contents but stated only the drained net weight of the fruit; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. The article in both lots was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since there was present more than one cherry pit per 20 ounces of net contents and it was packed in water, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On July 14, 1938, the cases having been consolidated and C. S. Kale Canning Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29342. Adulteration of cheese. U. S. v. 34 Boxes of Longhorn Cheddar Cheese. Product released under bond to be reconditioned. (F. & D. No. 43188. Sample No. 30424-D.)

A portion of this product was infested with mites.

On August 2, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 boxes of cheese at Salt Lake City, Utah; alleging that the article had been shipped in interstate commerce on or about July 6, 1938, by Gold Medal Dairies from Missoula, Mont.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From Gold Label Dairies, Missoula, Montana."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy animal substance.

On August 16, 1938, Gold Medal Dairies, having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be properly reconditioned under the supervision of this Department. The product was reconditioned by eliminating therefrom all objectionable material.

HARRY L. BROWN, Acting Secretary of Agriculture.

29343. Misbranding of Biolac. U. S. v. 633 Cases of Biolac. Consent decree of condemnation. Product released under bond conditioned that it be relabeled and donated to hospitals. (F. & D. No. 42438. Sample No. 17252-D.)

This product was short of the declared volume.

On May 23, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 633 cases, each containing 12 cans of Biolac, at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about March 25, 1938, by the Borden Co. from

Lewisburg, Tenn.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 Pint (16 Fl. Oz.) Net 17½ oz. Avoir. Biolac A Milk Food * * * Manufactured by The Borden Company New York—Chicago—San Francisco."

It was alleged to be misbranded in that the statement "1 pint (16 Fl. Oz.)" was false and misleading and tended to deceive and mislead the purchaser since it was short volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the out-

side of the package since the quantity stated was not correct.

On June 1, 1938, the Borden Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled "For Hospital use only—not for sale" and be donated to hospitals.

HARRY L. BROWN, Acting Secretary of Agriculture.

29344. Misbranding of canned tomatoes. U. S. v. 289 Cases of Tomatoes. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. No. 42268. Sample No. 4541-D.)

This product was substandard because of the presence of excessive peel, and

it was not labeled to indicate that it was substandard.

On April 28, 1938, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 289 cases of canned tomatoes at Bismark, S. Dak.; alleging that the article had been shipped in interstate commerce on or about August 25, 1937, by A. W. Sisk & Son from Trappe, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pine Cone Brand Tomatoes * * * Albert W. Sisk and Son Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the tomatoes were unpeeled and the cans did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating

that it fell below such standard.

On July 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered turned over to a charitable organization.

HARRY L. BROWN, Acting Secretary of Agriculture.

29345. Adulteration and misbranding of vanilla and lemon extracts and Arovanilla. U. S. v. 30 Dozen Bottles of Vanilla Extract and 17 Dozen Bottles of Lemon Extract (and 1 similar seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 41638, 41639, 41641. Sample Nos. 1329-D, 1330-D, 1331-D.)

These cases involved so-called vanilla and lemon extracts which consisted of imitation extracts, the former containing diethylene glycol, a poison, and the latter possessing about one-half the flavoring strength of lemon extract; also an imitation vanilla extract designated "Arovanilla," which contained diethylene

glycol.

On or about February 9 and 11, 1938, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 30 dozen bottles of vanilla extract and 17 dozen bottles of lemon extract at Barnabus, W. Va., and one barrel of Arovanilla at Mabscott, W. Va.; alleging that the articles had been shipped in interstate commerce on or about November 6, 1937, and January 3 and 14, 1938, from Norfolk, Va., by Interstate Manufacturing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Fine's Eagle Brand Pure Vanilla [or "Lemon"] Extract * * * Bottled By Interstate Mfg. Co., Norfolk, Va."; or "Arovanilla * * * Mfd. By 'The Interstate Mfg. Co., Norfolk, Va."

Adulteration was alleged in that an imitation vanilla containing a poisonous substance, a glycol, had been substituted in whole or in part for pure vanilla extract; in that an imitation lemon extract deficient in citral content had been substituted in whole or in part for pure lemon extract; and in that an imitation vanilla flavor containing a poisonous substance, a glycol, had been substituted for Arovanilla, a food flavor. The vanilla and lemon extracts were alleged to be adulterated further in that they had been mixed and colored

in a manner whereby inferiority was concealed.

Misbranding was alleged in that statements on the several labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles which consisted: (In the case of the so-called vanilla) of an imitation vanilla containing vanillin, coumarin, and caramel coloring, little, if any, vanilla extract, and no alcohol, and containing diethylene glycol, a poison; in the case of the so-called lemon of an imitation lemon extract containing no lemon oil, artificially flavored with citral, artificially colored with a coal-tar dye, and with a flavoring strength of not over one-half that of lemon extract; and in the case of the Arovanilla of an imitation vanilla flavor containing a glycol, a poison.

Misbranding was alleged further in that the articles were imitations of and

were offered for sale under the distinctive names of other articles.

On April 14 and May 10, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29346. Adulteration of cream. U. S. v. Two 5-Gallon Cans and Eight 10-Gallon Cans of Cream (and eight other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 43073, 43074, 43150, 43155, 43156, 43181, 43335, 43336, 43516. Sample Nos. 31507-D, to 31512-D, incl., 31542-D, 31543-D, 31544-D.)

Samples of this product were found to be filthy or decomposed, or both. On July 6, 7, 11, and 12 and August 11 and 12, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 5-gallon cans and 45 10-gallon cans of cream at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce within the period from on or about July 5, 1938, to on or about August 11, 1938, in various shipments by W. Johnson, Strasburg, Va.; D. M. Ketzel, Sharpsburg, Md.; M. K. Bowers, Charles Town, W. Va.; Luther Shroyer, Cecil, W. Va.; Geo. L. Miller, Grafton, W. Va.; L. R. Mason, Brunswick, Md.; Eldridge Dairy, Hagerstown, Md.; Zipf Hardware Co., St. Marys, W. Va.; J. W. Ayton, Gaithersburg, Md.; Upshur Dairy Prod., Buckhannon, W. Va.; M. White, Weston, W. Va.; Lyle Leichter, Cameron, W. Va.; Daisy Long, Cumberland, Md.; A. W. Helbig, Oakland, Md.; Terra Alta Creamery, Terra Alta, W. Va.; R. S. Unger, Berkeley Springs, W. Va.; G. W. Biggenbach, New Martinsville, W. Va.; C. J. Luzader, Gilmer, W. Va.; E. J. Magaha, Brunswick, Md.; Fairmount Cream Station, Strasburg, Va., and Phillipi, Weston, Buckhannon, Ellenboro, Hancock, Berkeley Springs, and New Martinsville, W. Va.; T. L. Baughan, Columbia, Va.; J. W. Broadwater, Salem, W. Va.; W. L. Britton, Ellenboro, W. Va.; J. F. Mendenhall, Newport, Ohio; and L. E. Monroe, Salem, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, putrid, or decomposed animal substance.

On July 6, 7, 11, and 12 and August 11 and 12, 1938, the consignee having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29347. Adulteration of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 43025. Sample No. 18283-D.)

This product contained less than 80 percent of milk fat.

On June 23, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 19, 1938, by Douglas County Creamery from Roseburg, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable

institution.

29348. Misbranding of chocolate-flavored malted products. U. S. v. 259 Jars, 306 Jars, and 54 Tins of Chocolate-Flavored Malted Products. Default decree of condemnation and destruction. (F. & D. No. 42993. Sample Nos. 12036–D, 12037–D, 12038–D.)

These products were short of the declared weight. The product contained in the jars had not been subjected to the enzymic action of malt and therefore

was not entitled to the name "malted."

On July 1, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 259 jars, 306 jars, and 54 tins of chocolate-flavored malted products at West New York, N. J.; alleging that the articles had been shipped in interstate commerce on or about May 19 and June 7, 1938, by Gudy-Gudy Products Co., Inc. (from Brooklyn, N. Y.); and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled variously: "Larry's Certified Cho-Co-Malted * * Gudy-Gudy Products Co., Inc."; "Larry's Improved Cho-Co-Malted * * *
Larry's Pure Food Products Inc."; "Chocolate Flavored Malt Gudy-Gudy * Gudy-Gudy Prod. Co."

They were alleged to be misbranded in that the statements "Contents 20 Oz. Avd. [or "16 Ozs. Avd." or "16 Ozs. Net"]," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct and was not declared in terms of the largest unit. The product contained in the jars was alleged to be misbranded further in that the statement "Malted" was false and misleading and tended to deceive and mislead the purchaser when applied to articles which had not been subjected to the enzymic action of malt.

On August 9, 1938, no claimant having appeared, judgment of condemnation

was entered and the products were ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29349. Adulteration and misbranding of Nebusol and Gly-Ketol. U. S. v. 70 Gallons and 250 Pounds of Nebusol (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41139, 41140, 41263. Sample Nos. 47599-C, 49560-C, 49561-C.)

These products consisted of a glycol or a glycol ether, or both, poisons. On December 16 and 21, 1937, the United States attorneys for the Northern District of Illinois and the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 70 gallons and 250 pounds of Nebusol and 50 gallons of Gly-Ketol in various lots at Chicago, Ill., and Cincinnati, Ohio; alleging that the articles had been shipped in interstate commerce on October 22 and 29, and December 8, 1937, from New York, N. Y., by Fries Bros.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled variously: "Neumann-Busie & Wolfe Inc. * * * * Chicago Ill * * Nebusol [or "Nebusol VC Type"]"; "Gly-Ketol * * * Fries Bros. N. Y."

They were alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for food-

flavor solvents, which they purported to be.

Misbranding was alleged in that the statements on the several labels, "Nebusol," "Nebusol VC Type," and "Gly-Ketol," were false and misleading and tended to deceive and mislead the purchaser as applied to poisons unfit for use as food-flavor solvents; and in that they were sold under the distinctive names of other articles. namely, food-flavor solvents.

On March 16 and 18, 1938, no claimant having appeared, judgments of con-

demnation were entered and the products were ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29350. Adulteration of canned crab meat. U. S. v. 419 Cases and 90 Cases of Canned Crab Meat. Consent decree of condemnation. Product re-leased under bond. (F. & D. Nos. 43217, 43218. Sample Nos. 36286-D,

Samples of this product were found to be decomposed.

On August 5, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 509 cases of canned crab meat at San Francisco, Calif.; alleging that the article had been packed by the Gulf Packing Co., of Cordova, Alaska, and had been shipped in interstate commerce on or about September 23 and October 11, 16, and 23, 1937, from Seattle, Wash., by American Transfer Co.; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Alaskimo Brand Alaska Crab R. M. Gardiner Distributor San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or

in part of a decomposed animal substance.

On August 23, 1938, Robert M. Gardiner having appeared as claimant, the court entered findings to the effect that the product had been packed by the Gulf Packing Co.; that it had been shipped by said Gulf Packing Co. from Cordova, Alaska, to San Francisco, Calif.; and that it, or some part thereof, was adulterated as alleged. Judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, Acting Secretary of Agriculture.

29351. Misbranding of canned tomatoes. U. S. v. 97 Cases and 47 Cases of Canned Tomatoes. Default decree of condemnation. Product disposed of for charitable purposes. (F. & D. Nos. 41474, 41475. Sample Nos. 2605-D, 2606-D.)

This product fell below the standard established by this Department because it was not normally colored, and because of the presence of excessive peel,

and it was not labeled to indicate that it was substandard.

On January 19, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned tomatoes at Pauls Valley, Okla., and 47 cases of the product at Ardmore, Okla.; alleging that the article had been shipped in interstate commerce on or about June 16, 1937, from Santa Rosa, Tex., by A. S. Beard Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lone Brand Tomatoes * * * Packed By A. S. Beard Santa Rosa, Texas Roanoke, Va."

It was alleged to be misbranded in that it was not normally colored and the fruit was not peeled, since there was present more than 3 square inches of peel per pound of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating

that it fell below such standard.

On June 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of for charitable purposes.

HARRY L. BROWN, Acting Secretary of Agriculture.

29352. Misbranding of canned cherries. U. S. v. 24 Cases of Red Pitted Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43012. Sample No. 27507-D.)

This product was substandard because it was packed in water, and it was

not labeled to indicate that it was substandard.

On July 15, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned cherries at Sheridan, Wyo.; alleging that the article had been shipped in interstate commerce on or about April 12, 1938, from Red Lodge, Mont., by Red Lodge Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ravalli * * * Red Pitted Cherries * * * Packed by Red Lodge Canning Co."

It was alleged to be misbranded in that it fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture for such canned food and none of its packages and labels bore a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating

that such canned food fell below such standard.

On August 4, 1938, Red Lodge Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29353. Adulteration of caraway seed. U. S. v. 3 Bags of Caraway Seed. Default decree of condemnation and destruction. (F. & D. No. 43126. Sample No. 26238-D.)

This product was found to contain a very low percentage of volatile oil, a

condition which disclosed the presence of exhausted seeds.

On July 29, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three bags of caraway seed at New York, N. Y.; alleging that the article had been exported from Antwerp, Belgium, on or about July 1, 1938, by Arthur Lenoir Bronchart; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that caraway seeds from which a portion of the volatile oil had been removed had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole on in part for the article; and in that a valuable constituent of the article, namely, volatile oil, had been in whole or in part

abstracted.

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29354. Adulteration and misbranding of soya bean oil. U. S. v. 3 Drums of Soya Bean Oil. Default decree of condemnation and destruction. (F. & D. No. 43131. Sample No. 26233-D.)

This product consisted essentially of mineral oil which had been substituted

for food oil.

On July 29, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three drums of soya bean oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, from Bayway, N. J., by E. J. McMahon; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "E. J. McMahon Refined Soya Bean Oil."

It was alleged to be adulterated in that mineral oil, having no food value, had been substituted in whole or in part for an article which purported to be

a food oil.

Misbranding was alleged in that the statement "Refined Soya Bean Oii" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted essentially of mineral oil.

On August 12, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29355. Adulteration and misbranding of Glyco Ester Improved. U. S. v. 1 Can et al., of Glyco Ester Improved. Default decree of condemnation and destruction. (F. & D. No. 41249. Sample No. 52322-C.)

This product was diethylene glycol, a poison.

On December 23, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of Glyco Ester Improved at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about November 13, 1937, from New York, N. Y., by W. J. Bush & Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "W. J. Bush & Co. Incorporated New York."

It was alleged to be adulterated in that a glycol, a poison, had been substituted in whole or in part for Glyco Ester Improved, a food-flavor solvent,

which it purported to be.

Misbranding was alleged in that the statement on the label, "Glyco Ester Improved," was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent; and in that it was offered for sale under the distinctive name of another article.

On January 19, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29356, Adulteration and misbranding of macaroni products. U. S. v. 37½ Cases, et al., of Macaroni (and 1 similar seizure action). Default decree of condemnation. Product delivered to welfare organizations. (F. & D. Nos. 42942, 42943. Sample Nos. 13561-D, 13562-D, 24833-D, 24834-D, 29037-D, 29038-D, 29039-D, 29042-D, 29043-D, 29044-D.)

These products were made of wheat flour but were artificially colored to simulate the appearance of semolina products. Portions were also short

weight.

On June 20, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 176 cases of macaroni products at Atlanta, Ga.; alleging that the articles had been shipped in interstate commerce on or about April 7, 13, and 22 and May 16, 1938, from Tampa, Fla., by Ferlita Macaroni Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Tampa-Maid Brand Macaroni [or "Spaghetti" or "Pasta Di Semola"]

* * Ferlita Macaroni Co., Inc. Tampa, Florida."

They were alleged to be adulterated in that they had been mixed and

colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to certain lots in that the statement "6 Ozs. Net When Packed," appearing on the labels, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct. The remaining lots were alleged to be misbranded in that the Italian phrase "Pasta Di Semola Superiore Qualita" was misleading since it might imply to the purchaser that the article was made of semolina.

On August 1, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to welfare organizations.

HARRY L. BROWN, Acting Secretary of Agriculture.

29357. Misbranding of Lem-E-Zee Mix. U. S. v. 27 Cases of Lem-E-Zee Mix. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43040. Sample No. 27534-D.)

This product was labeled to indicate that it was lemon juice, but consisted of an artificially colored liquid flavored with lemon oil and containing citric

acid and only approximately 10 percent of lemon juice.

On July 15, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of Lem-E-Zee Mix at Casper, Wyo.; alleging that the article had been shipped in interstate commerce on or about May 14, 1938, from Marshalltown, Iowa, by Marshall Food Products Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lem-E-Zee Mix * * Distributed By Marshall Food Prod. Co. Marshalltown, Ia."

It was alleged to be misbranded in that the statements, "Use wher-ever lemon juice is required" and "contains pure lemon juice," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was imitation lemon; and in that it was an imitation of and was offered

for sale under the distinctive name of another article, lemon juice.

On August 1, 1938, Western Grocer Co., Marshalltown, Iowa, trading as Marshall Food Products Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29358. Adulteration and misbranding of Solvent PFW 1. U. S. v. 6½ Bottles of Solvent PFW 1. Default decree of condemnation and destruction. (F. & D. No. 41278. Sample No. 52167-C.)

This product was commercial carbitol, a glycol or a glycol ether, or both,

poisons.

On December 28, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ bottles of Solvent PFW 1 at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about June 22, 1937, from New York, N. Y., by Polak's Frutal Works, Inc.; and charging adulteration and misbranding in

violation of the Food and Drugs Act. The article was labeled in part: "Polak's Frutal Works Amersfoort Holland * * * . * Solvent PFW 1."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for Solvent PFW 1, a food-flavor solvent.

Misbranding was alleged in that the statement "Solvent PFW 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons.

to an article containing a glycol or a glycol ether, or both, poisons.

On August 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29359. Misbranding of canned cherries. U. S. v. 240 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43110. Sample No. 22893-D.)

This product fell below the standard established by this Department because of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On July 21, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of canned cherries at Wilmington, Calif.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, from Portland, Oreg., by Paulus Bros. Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Tag R. S. P. Cherries Packed in Water * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On August 22, 1938, Paulus Bros. Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29360. Adulteration of cream. U. S. v. Three 10-Gallon Cans, One 8-Gallon Can, and Eight 5-Gallon Cans of Cream (and 19 other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 43353, 43389 to 43392, incl., 43394 to 43407, incl., 43515. Sample Nos. 27258-D, 30830-D, 31161-D to 31164-D, incl., 31166-D to 31174-D, incl., 41002-D, 41003-D, 41004-D, 41006-D, 41007-D.)

This product was filthy or decomposed, or both.

Between the dates of July 20 and August 17, 1938, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court 20 libels praying seizure and condemnation of a total of 33 5-gallon cans, 6 8-gallon cans, and 27 10-gallon cans of cream at Trinidad, Colorado Springs, and Denver, Colo.; alleging that the article had been shipped in interstate commerce within the period from on or about July 20 to August 17, 1938, in various shipments by G. W. Wilson, Hereford, Tex.; Emmett Thornton, Plainview, Tex.; Fred Burton, Mills, N. Mex.; H. L. Butler, Goree, Tex.; P. M. Baker, Kendall, Kans.; J. R. Bostick, Childress, Tex.; Ray Wilson, Boise City, Okla.; John Patterson, Happy, Tex.; Marion Gridlebaugh, Maxwell, N. Mex.; J. T. Easterling, Clarendon, Tex.; A. R. Shipp, Shallowater, Tex.; O. I. Mercer, Memphis, Tex.; A. J. Bell, Clovis, N. Mex.; James Merc. Co., Farley, N. Mex.; G. S. Reed, Amarillo, Tex.; Wilson Co., Mills, N. Mex.; Mrs. B. W. Blair, Texline, Tex.; E. M. Rupp (or Ruff), Clayton N. Mex.; G. W. Baskin, Plainview, Tex.; R. Stringfellow, Des Moines, N. Mex.; Joe Vocasek, Taylor Springs, N. Mex.; G. F. Ward, La Mesa, Tex.; Robert Auras, Taylor Springs, N. Mex.; S. H. Garrison, Idalou, Tex.; Phil McConnell, Taylor Springs, N. Mex.; W. C. Chambers, Olney, Tex.; G. L. White, Dalhart, Tex.; D. B. Mayfield, Chillicothe, Tex.; S. G. Garrison, Lakeview, Tex.; D. B. Perdue, Hedley, Tex.; P. J. Mercer, Lakeview, Tex.; Kuzma Pobor, Raton, N. Mex.; Ernest Tatman, Griggs, Okla.; J. E. Richards, Sedan, N. Mex.; Ira Tredway, Greenville, Tex.; Burden Groc., Hedley, Tex.; Leslie Middleton, Ruleton, Kans.; Fred Storer, Dubois, Idaho; Elbert Holdren, Syracuse, Kans.; Frank Gow,

Crawford, Nebr.; Karl Crammer, Kanorado, Kans.; J. J. Blazek, Cuba, Kans.; Jacob D. Cotten, Wallace, Nebr.; C. T. Dunning, Broken Bow, Nebr.; W. A. Medbery, Upton, Wyo.; Lan Waldman, Trinnell, Kans.; M. I. Patterson, Victoria, Kans.; G. L. Martin, Weskan, Kans.; Frank Gue Cream Co., Crawford, Nebr.; R. H. Basham, Coolidge, Kans.; Gusner Independent Cream Station, Chadron, Nebr.; Lloyd C. McBride, Arapahoe, Nebr.; Jake Jansonius, Prairie View, Kans.; Bessie Knight, Benkelman, Nebr.; C. J. Philbrick, Bird City, Kans., and Frank Kokes, Sidney, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed on the same date as that on which it was libeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29361. Misbranding of peaches. U. S. v. 125 Baskets of Peaches. Default decree of destruction. (F. & D. No. 43029. Sample No. 16817-D.)

An excessive proportion of these peaches was below the size declared on the label.

On July 7, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 baskets of peaches at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 2, 1938, by W. J. Brazey from Monticello, Ga.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Bee Brand 2 Inch Minimum."

It was alleged to be misbranded in that the statement "2 Inch Minimum" was false and misleading and tended to deceive and mislead the purchaser when

applied to peaches that were undersized.

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29362. Adulteration of dried apricots. U. S. v. 582 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 42904. Sample No. 17955-D.)

This product was dirty, insect-infested, and moldy, and contained rodent excreta.

On June 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 582 cases of dried apricots at Baitimore, Md.; alleging that the article had been shipped in interstate commerce on or about May 23, 1938, by Consolidated Packing Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Apricots For Manufacturing Purposes."

It was alleged to be adulterated in that it consisted in whole or in part of

a filthy and decomposed vegetable substance.

On July 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29363. Misbranding of apples. U. S. v. 100 Bushels and 50 Bushels of Apples.

Default decree of condemnation and destruction. (F. & D. No. 42325.

Sample No. 16813-D.)

This product, because of excessive grade defects, was below the grade

declared on the label.

On May 6, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, by York State Fruit Distributors, Inc., of Rochester, N. Y. (from Youngstown, N. Y.); and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. grade No. 1.

On July 8, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29364. Adulteration and misbranding of butter. U. S. v. 80 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43510. Sample No. 30090-D.)

This product contained less than 80 percent of milk fat.

On August 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Petersburg Cooperative Creamery from Petersburg, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Crystal Farm Brand Butter * * Packed Exclusively for Penn Mutual Co-Operative Grocers Corporation, Philadelphia."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product

which should contain not less than 80 percent of milk fat.

It was alleged to be misbranded in that the statement "Butter" was false

and misleading since it contained less than 80 percent of milk fat.

On August 24, 1938, C. J. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

29365. Adulteration of cherries. U. S. v. 45 Baskets of Cherries. Default decree of destruction. (F. & D. No. 43068. Sample No. 29851-D.)

This product was contaminated with lead.

On July 9, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 baskets of cherries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 8, 1938, by J. Edward McGowan from Marlborough, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Peter Clenets Red Hook, N. Y."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to

health.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

HARRY L. BROWN, Acting Secretary of Agriculture.

29366. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of destruction. (F. & D. No. 43140. Sample No. 12961-D.)

This product was infested with maggots.

On July 23, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by J. A. Murphy from Atkinson, N. C.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, or putrid vegetable substance.

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29367. Adulteration of apples. U. S. v. 42 Bushels of Apples. of condemnation and destruction. (F. & D. No. 41510. Sample No. 47547-C.)

This product was contaminated with arsenic and lead.

On November 4, 1937, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 bushels of apples at Charleston, W. Va.; alleging that the article had been shipped in interstate commerce on or about November 1, 1937, by Ernest Weekley from Proctorville, Ohio, to himself at Charleston, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added or deleterious ingredients, arsenic and lead, which might have rendered it dangerous

On November 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29368. Adulteration of crab meat. U. S. v. Fifty 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43148, Sample No. 34136-D.)

This product contained evidence of the presence of filth.

On July 18, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pound cans of crab meat at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about July 12, 1938, by A. N. Faulkner from Tilghman, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid animal substance.

On July 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29369. Adulteration of tomato catsup. U. S. v. 169 Cases and 266 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. Nos. 42480, 42887. Sample Nos. 31208-D, 31211-D.)

This product contained excessive mold.

On May 27 and June 3, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 435 cases of tomato catsup at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 2 and 20, 1938, by Farm King Packton and Parkton In merstate commerce on or about April 2 and 20, 1938, by Farm King Packing Co. from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled in part: "Stewart's Brand Tomato Catsup * * * Distributed By Jesse C. Stewart Co. Pittsburgh, Pa." The remainder was labeled in part: "Donahoe's My-Te-Good Ketchup * * * Packed For Donahoe's, Pittsburgh, Pa."

On July 21 and August 11, 1938, no claimant having appeared, judgments of

condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29370. Adulteration of crab meat. U. S. v. Vaughan Smith Lankford (V. S. Lankford & Co.). Plea of not guilty. Tried to the court. Judgment of not guilty on count 1; guilty on counts 2, 3, and 4. Fine, \$40 and costs on second count. Sentence suspended on third and fourth counts. (F. & D. No. 40767. Sample Nos. 32269-C, 32275-C, 48205-C, 48208-C.)

Samples of this product were found to contain evidence of the presence of

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vaughan Smith Lankford, trading as V. S. Lankford & Co., Hampton, Va., alleging shipment by said defendant within the period from on or about July 7, 1937, to on or about July 20, 1937, from the State of Virginia into the State of Pennsylvania and the District of Columbia, of quantities of crab meat which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and in

part of a filthy animal substance.

On May 12, 1938, a plea of not guilty having been entered and a jury having been waived, the case was tried to the court. Judgment of not guilty was entered as to count 1 and guilty as to counts 2, 3, and 4. A fine of \$40 and costs was imposed on the second count, and imposition of sentence suspended on the third and fourth counts for a period of 3 years.

HARRY L. Brown, Acting Secretary of Agriculture.

29371. Misbranding of canned tomatoes. U. S. v. 398 Cases and 99 Cases of Canned Tomatoes (and 1 similar seizure action). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 43172, 43173, 43278, 43279. Sample Nos. 23656-D, 23657-D, 23673-D, 23674-D.)

This product fell below the standard established by this Department because it was not normally colored, and it was not labeled to indicate that it was sub-

standard.

On or about August 1 and 20, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 994 cases of canned tomatoes at Logansport, La.; alleging that the article had been shipped in interstate commerce on or about July 2 and July 18, 1938, by E. R. Adams Canning Co. from Jacksonville, Tex.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Del Rio Brand Peeled Tomatoes * * * Packed for E. R. Adams Canning Co. Jacksonville, Texas"; "Texas Queen Brand [or "Vine Fresh Brand Tomatoes"] * * * Packed for Longhorn Canneries, Inc. * * * Jacksonville, Texas."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agricul-

ture indicating that it fell below such standard.

On August 22, 1938, the cases having been consolidated and E. R. Adams Canning Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. Brown, Acting Secretary of Agriculture.

29372. Adulteration and misbranding of noodles. U. S. v. 200 Pounds of Noodles. Default decree of condemnation and destruction. (F. & D. No. 43049. Sample No. 29769-D.)

This product was deficient in egg solids and was artificially colored to simulate the appearance of noodles containing more egg than was the case.

On July 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 pounds of noodles at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about June 14, 1938, by Quong Chow Co. from Baltimore, Md.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "From Quong Chow Noodle Co. * * * Baltimore, Md.

It was alleged to be adulterated in that an artificially colored substance deficient in egg had been substituted in whole or in part therefor; and in that it was mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, noodles.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29373. Adulteration of butter. U. S. v. 12 Cubes and 13 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43001. Sample No. 17844-D.)

This product contained less than 80 percent of milk fat.

On or about June 20, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed

in the district court a libel praying seizure and condemnation of 25 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 6, 1938, by Fergus County Creamery, Inc., from Lewistown, Mont.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled, "Judith Gold"; the remainder was labeled, "Crystal Lake."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product

which should contain not less than 80 percent of milk fat.

On July 13, 1938, Fergus County Creamery, Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of until brought into compliance with the law.

HARRY L. BROWN, Acting Secretary of Agriculture.

29374. Adulteration of cream. U. S. v. Three 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 43233. Sample No. 17568-D.)

This product was filthy and decomposed.

On July 25, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 10-gallon cans of cream at Middletown, Md.; alleging that the article had been shipped in interstate commerce on or about July 22, 1938, by truck of the South Mountain Creamery, Inc., from cream stations at Gettysburg, and Waynesboro, Pa., and Lovettsville, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid animal substance.

On July 28, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. HARRY L. BROWN, Acting Secretary of Agriculture.

29375. Adulteration of canned prunes. U. S. v. 82 Cases and 23 Cases of Cooked Dried Prunes. Default decree of condemnation and destruction. (F. & D. Nos. 41642, 41643. Sample Nos. 250-D, 421-D.)

This product was undergoing decomposition.

On February 4, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cases of canned prunes at Fullerton, Calif.; alleging that the article had been shipped in interstate commerce on or about December 13, 1937, from Portland, Oreg., by California Pea Products, Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Gift Cooked Dried Prunes * * * Packed by California Pea Products Inc. Fullerton, California."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29376. Adulteration of candy. U. S. v. 13 Cartons, et al., of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43096 to 43099, incl. Sample Nos. 23884-D to 23887-D, incl.)

This product was insect-infested.

On July 20, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about May 28, 1938, by Ucanco Candy Co. from Davenport, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or

in part of a filthy vegetable substance. On September 2, 1938, no claimant having appeared, judgment of condenmnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29377. Adulteration of strawberry preserves. U. S. v. 20½ Cases and 149 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. Nos. 42925, 42926. Sample Nos. 18135-D, 18136-D.)

Samples of this product were found to contain moldy berries.

On June 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 169½ cases of strawberry preserves at San Francisco, Calif.; alleging that 149 cases of the article had been shipped in interstate commerce on or about April 15, 1938, by Starr Fruit Products Co. from Portland, Oreg., and that the remainder had been shipped on or about April 22, 1938, by Ray-Maling Co., Inc., from Portland, Oreg. (the latter lot packed by the Starr Fruit Products Co.); and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Blest * * * Pure Strawberry Preserves * * * Distributed By Jacobson-Shealy Co., Inc., San Francisco."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy and decomposed vegetable substance.

On September 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29378. Adulteration of candy. U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43061. Sample No. 23872-D.)

This product was insect-infested.

On July 13, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about December 1, 1937, by Newton Products Co. from Cincinnati, Ohio; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Newton Products Co. Cincinnati, Ohio."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On September 2, 1938, no claimant having appeared, judgment of condenmation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29379. Adulteration of candy. U. S. v. 14 Cartons of Candies. Default decree of condemnation and destruction. (F. & D. No. 43062, Sample No. 23883-D.)

This product was insect-infested.

On July 13, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of candies at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about March 9, 1938, by Pelican State Candy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Manufactured by Pelican State Candy Co. New Orleans."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29380. Adulteration of candy. U. S. v. 6 Cartons and 5 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43082, 43083, Sample Nos. 23891-D, 23892-D.)

This product was insect-infested.

On or about July 18, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about February 1, 1938, by Douglas Candy Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29381. Adulteration of candy. U. S. v. 19 Cartons and 8 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43104, 43174. Sample Nos. 23889-D., 23908-D.)

This product was insect-infested.

On or about July 25 and August 2, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce in part on or about April 13 and September 30, 1937, by Chicago Candy Association from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 6 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29382. Adulteration and misbranding of Solv-O-Hol GF and Solvohol. U. S. v. One 5-Gailon Can of Solv-O-Hol (and three similar seizure actions).

Default decrees of condemnation and destruction. (F. & D. Nos. 41041, 41079, 41080, 41114. Sample Nos. 47290-C, 47291-C, 48556-C, 55092-C.)

These products consisted of a glycol or a glycol ether, or both, poisons.

On December 9, 14, and 15, 1937, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of two 5-gallon cans and one 30-gallon drum of Solv-O-Hol GF and 25 gallons of Solvohol in various lots at Columbus and Dayton, Ohio, and Norfolk, Va., and Cambridge, Mass.; alleging that the articles had been shipped in interstate commerce on September 8 and 20, October 21, and November 4, 1937, from Brooklyn, N. Y., by Felton Chemical Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Solv-O-Hol GF [or "Solvohol"] Felton Chemical Company Inc. [or "Felton Chemical Co."] * * * Brooklyn, N. Y."

Adulteration was alleged in that articles consisting in whole or in part of a glycol or a glycol ether, poisons, had been substituted for Solv-O-Hol GF and

Solvohol, fruit-flavor solvents, which they purported to be.

Misbranding was alleged in that the statements on the labels, "Solv-O-Hol GF" and "Solvohol," were false and misleading and tended to deceive and mislead the purchaser when applied to the articles. The Solv-O-Hol GF was alleged to be misbranded further in that it was sold under the distinctive name of another article, a food-flavor solvent.

On March 15, 18, 21, and 30, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29383. Adulteration of flour. U. S. v. 1 Car of Flour (2,178 Sacks and 2 Barrels).

Consent decree of condemnation. Product released under bond. (F. & D. Nos. 43423 to 43430, incl. Sample Nos. 24066-D to 24073-D, incl.)

This product was insect-infested.

On August 24, 1938, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,178 sacks and 2 barrels of flour at Louisville, Ky.: alleging that the article had been shipped in interstate commerce on or about August 6, 1938, from Augusta, Ga., by Ballard & Ballard Co.; and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Table Talk Self-Rising [or "New South Plain," "New South Self-Rising," "Blue Grass Self-Rising," "Canoe Self-Rising," "Pioneer Old Hickory * * * Bleached Self-Rising," "Bleached Snowball Self-Rising," or "Bleached Safety"] Flour."

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy vegetable substance.

On August 25, 1938, Ballard & Ballard Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was

entered, and the product was ordered released under bond conditioned that it be converted into stock feed under the supervision of this Department.

HARRY L. Brown, Acting Secretary of Agriculture.

29384. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. decree of condemnation and destruction. (F. & D. No. 43900, No. 34093-D.)

This product contained evidence of the presence of filth.

On September 2, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of one barrel of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by F. H. Ayers & Son from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid animal substance.

On September 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29385. Adulteration of crab meat. U. S. v. Thirty-Two 1-Pound Cans of Crab Meat (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43308, 43372, 43388. Sample Nos. 34158-D, 34266-D, 34276-D.)

This product contained evidence of the presence of filth.

On August 5, 12, and 19, 1938, the United States attorneys for the District of New Jersey, the Southern District of New York, and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in their respective district court libels praying seizure and condemnation of one barrel of crab meat at Wildwood, N. J., 23 pound cans of crab meat at New York, N. Y., and 32 pound cans of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about August 3, 10, and 16, 1938, by the Star Oyster Co. from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy animal substance. On September 7, 9, and 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29386. Adulteration of candy. U. S. v. 31 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43054, Sample No. 23868-D.)

This product was insect-infested.

On July 12, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce in part on or about April 7 and in part on or about May 1, 1937, by Sperry Candy Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sperry Candy Co. Milwaukee, Wis."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Harry L. Brown, Acting Secretary of Agriculture.

29387. Adulteration of crab meat. U. S. v. 45 Pounds of Crab Meat. decree of condemnation and destruction. (F. & D. No. 43797. Sample No. 34283-D.)

This product contained evidence of the presence of filth.

On August 24, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 pounds of crab meat at Tamaqua, Pa.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by Hampton Crab Co. from Hampton, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29388. Adulteration of candy. U. S. v. 14 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43021. Sample No. 23867-D.)

This product was infested with insects and mites.

On or about July 7, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about August 17, 1937, by Pravata Candy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mfg. by Pravata Candy Co., New Orleans, La."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29389. Adulteration of candy. U. S. v. 15 Boxes of Candy (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42968, 43116. Sample Nos. 16250-D, 23902-D.)

Samples of these products were found to contain mites and insect larvae and

fragments.

On or about June 23 and July 25, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 boxes of candy and 13 cartons of mint lumps at Houston, Tex.; alleging that the articles had been shipped in part on or about March 11, 1938, and in part on or about June 27, 1938, by the Joan Candy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. One lot was labeled in part: "Joan Candy Co. New Orleans, La."

The articles were alleged to be adulterated in that they consisted wholly or

in part of filthy vegetable substances.

On September 2 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29390. Adulteration of apple butter. U. S. v. 30 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42360. Sample No. 13001-D.)

This product contained insect fragments, mites, and rodent hairs.

On May 10, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of apple butter at Paterson, N. J.; alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by Adams Apple Products Corporation from Aspers, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Apple Butter * * Adams Apple Products Corporation Aspers, * * Pennsylvania."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On September 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29391. Adulteration of candy. U. S. v. 15 Cartons and 16 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43064, 43182. Sample Nos. 23871-D, 23910-D.)

Samples of this product were found to be moldy and insect-infested.

On or about July 14 and August 3, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 cartons of candy at Houston, Tex.; alleging that the articles had been shipped in interstate commerce in part on or about October 20 and in part on or about

November 24, 1937, by Rockwood & Co. from Brooklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rockwood & Co., Brooklyn, N. Y."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 6 and 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29392. Alleged adulteration and misbranding of potatoes. U. S. v. 420 Sacks of Potatoes. Tried to the court. Judgment for claimant. Libel dismissed and product ordered released. (F. & D. No. 42921. Sample No. 33644-D.)

On June 13, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 sacks of potatoes at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about June 4, 1938, by W. H. Martin from Bangor, Maine; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maine Selected Potatoes Martin's W. H. M. Brand U. S. Commercial Graded * * * W. H. Martin * * Bangor, Maine."

The article was alleged to be adulterated in that it consisted in whole or in

part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "U. S. Commercial" was false and misleading and tended to deceive and mislead the purchaser

when applied to potatoes below U. S. Commercial grade.

On June 28, 1938, W. H. Martin having appeared as claimant, the case came on for trial before the court. After hearing the evidence and arguments of counsel, the court entered judgment for the claimant, with the following opinion delivered orally from the bench:

COLEMAN, District Judge: "I am inclined to believe that the owners of the goods in this shipment are entitled to a verdict in their favor, in view of the

conflict in the evidence in this case.

"Of course, it is difficult for the court to put itself in the position of the inspectors and attempt to say what yardstick ought to be adopted by the Government under this ruling. The fact remains, however, that the regulation with respect to the 6 percent tolerance is couched in very broad language and obviously permits of a great variation, depending upon how the examination is conducted.

"I do feel that there is considerable weight to the argument of the claimant that where 70 bags have been examined, as against 28, the former examination ought to control if there is nothing otherwise to upset it—in other words, if it appears to have been fairly and reasonably made. Of course, the person making it, the witness Schley, may be said to have an interest in the investigation because, presumably, he would have an interest in the sale. But, also, the Government witnesses who made the inspection had an interest in uphold-

ing the technical requirements of the law.

"Since the average of serious damage exceeds the allowable amount by relatively little—only three and a quarter percent, as I understand it, in regard to the 20 bags inspected for the claimant, and only one-quarter of a percent with reference to the inspection of 50 bags inspected for the claimant—I am inclined to take the position that this conflict, or wide variance between these figures and what the Government found—namely, an average of 15 percent with respect to the eight sacks seriously damaged, and an average of 13 percent with respect to the 20—I am inclined to the view that because of this difference between the two groups of inspections, it is very reasonable to say that a more minute inspection might have shown that the whole lot did not violate the regulations.

"I will, therefore, give the claimant the benefit of the doubt.

"Having come to that conclusion, it is equally reasonable to say that the goods should be allowed to go entirely free, because it necessarily follows that it cannot be said that they have been misbranded any more than it can be said that they are decomposed, contrary to law.

"I will sign a decree to this effect."

On June 29, 1938, a decree was entered dismissing the libel and ordering that the product be released to the claimant.

29393. Adulteration and misbranding of Fritzbro Solvent No. 1 and Solvent V and imitation flavors. U. S. v. 1 Bottle and 2 Bottles of Fritzbro Solvent No. 1 (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41132, 41256, 41296, 41332. Sample Nos. 44300-C, 58034-C, 58035-C, 58051-C to 58055-C, incl., 58057-C, 58058-C.)

These solvents were, and the imitation flavors contained, a glycol or a glycol

ether, or both, poisons.

On or about December 21 and 23, 1937, and January 6, 1938, the United States attorneys for the Eastern District of Virginia and the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts four libels praying seizure and condemnation of three bottles and three jugs of Fritzbro Solvent No. 1, three jugs of Fritzbro Solvent V, and five jugs of imitation flavors in various lots at Norfolk, Va., and Gainesville, Fla.; alleging that the articles had been shipped in interstate commerce on various dates between December 31, 1936, and November 19, 1937, from New York, N. Y., by Fritzsche Bros., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. One lot of the solvents and the imitation flavors were labeled in part: "Fritzsche Brothers, Inc. New York."

The articles were alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for food-flavor solvents and for imitation flavors, which they purported to be. The imitation flavors were alleged to be adulterated further in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or

both, which might have rendered them injurious to health.

Misbranding of all lots was alleged in that the articles were sold under the distinctive names of other articles. One lot of the Solvent No. 1 and the imitation flavors were alleged to be misbranded further in that the statements on the several labels, "Solvent No. 1," "Flavor Strawberry," "Flavor Pineapple," "Flavor Wild Cherry," and "Flavor Grape No. 2," were false and misleading and tended to deceive and mislead the purchaser when applied, in the case of the first-named product, to a poison unfit for use as a food-flavor solvent and in the case of the other products, to articles containing poison.

On March 30 and 31 and May 23, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29394. Adulteration and misbranding of Solvex and Gly-Ketol. U. S. v. 11 Cans and 5 Cans of Solvex (and 2 similar seizure actions). Default decrees of condennation and destruction. (F. & D. Nos. 41034, 41183, 41282. Sample Nos. 9666–C, 37026–C, 53240–C.)

These products consisted of a glycol or a glycol ether, or both, poisons. On December 6, 22, and 29, 1937, the United States attorneys for the Southern District of California, the Eastern District of Tennessee, and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts three libels praying seizure and condemnation of 2 drums and 16 cans of Solvex and 1 can of Gly-Ketol in various lots at Los Angeles, Calif., Chattanooga, Tenn., and Fort Worth, Tex.; alleging that the articles had been shipped in interstate commerce on various dates between September 11 and November 3, 1937, from New York, N. Y., by Dodge & Olcott Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "D & O * * * Solvex [or "Gly-Ketol"] * * * Dodge & Olcott Co. New York."

Adulteration was alleged in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for Solvex and Gly-

Ketol, food-flavor solvents, which the articles purported to be.

Misbranding was alleged in that the statements on the respective labels, "Solvex a non-alcoholic solvent for essential oils, vanilla, etc." and "Gly-Ketol," were false and misleading and tended to deceive and mislead the purchaser when applied to poisons unfit for use as food-flavor solvents; and in that they were offered for sale under the distinctive names of other articles, Solvex and Gly-Ketol, food-flavor solvents.

On April 13 and 23 and May 3, 1938, no claimant having appeared, judgments

of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29395. Adulteration of dried figs. U. S. v. 627 Bags and 704 Bags of Dried Figs (and 1 similar seizure action.) Default decree of condemnation and destruction. F. & D. Nos. 39895, 39896, 39950. Sample Nos. 26287-C, 26288-C, 26289-C, 49323-C.)

Samples of this product were found to be moldy, sour, insect-infested, and

dirty.

On June 25 and July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of 1,511 sacks of dried figs at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by Rosenberg Bros., & Co. from Fresno, Calif., in part on or about March 5. and in part on or about March 19, 1937; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On June 6, 1938, the cases having been consolidated, and no answer having been filed to the libels, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29396. Adulteration of blueberries. U. S. v. 8 Crates (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43329, 43332, 43367. Sample Nos. 26633-D, 26638-D, 26661-D.)

This product was infested with maggets.

On August 9, 10, and 11, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce in various shipments on or about August 7, 8, and 9, 1938, by Kostick Bros. from Beaver Meadows, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29397. Adulteration of blueberries. U. S. v. S Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43328. Sample No. 26632-D.)

This product was infested with maggets.

On August 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 6, 1938, by Paul Kopec from Tresckow, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filty, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Harry L. Brown, Acting Secretary of Agriculture.

29398. Misbranding of meat scrap. U. S. v. Herbert Bryant, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 28664. Sample No. 828-C.)

This product contained less protein than declared on the label.

On May 11, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert Bryant, Inc., Alexandria, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 15, 1936, from the State of Virginia into the State of Maryland, of a quantity of meat scrap which was misbranded. The article was labeled in part: "Meat Scrap * * * Manufactured by Herbert Bryant, Inc., Alexandria, Va."

It was alleged to be misbranded in that the statement "Protein 50.00%," borne on the bags, was false and misleading and was borne on the said bags

so as to deceive and mislead the purchaser, since the article contained less than 50 percent of protein, namely, not more than 47.26 percent of protein.

On June 6, 1938, a plea of nolo contendere having been entered by the defend-

ant, the court imposed a fine of \$100.

HARRY L. BROWN, Acting Secretary of Agriculture.

29399. Adulteration and misbranding of ground black pepper. U. S. v. Schloss & Kahn Grocery Co. Plea of guilty. Fine, \$10. (F. & D. No. 42552. Sample No. 688-D.)

This product contained excessive shell.

On August 22, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Schloss & Kahn Grocery Co., a corporation, Montgomery, Ala., alleging shipment by said company on or about January 26 and March 3, 1938, from the State of Alabama into the State of Georgia of a quantity of ground black pepper which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Schloss & Kahn Gro Co Montgomery Ala."

Adulteration was alleged in that ground pepper shells had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part therefor; and in that ground pepper shells had been mixed with the article in a manner

whereby its inferiority was concealed.

It was alleged to be misbranded in that it had been offered for sale under the distinctive name of another article; and in that the statement "Pepper" was false and misleading and was borne on the label so as to deceive and mislead the purchaser since it represented that the article consisted of ground black pepper, whereas it consisted in part of ground pepper shells.

On September 7, 1938, a plea of guilty was entered on behalf of the defend-

ant and the court imposed a fine of \$10.

HARRY L. BROWN, Acting Secretary of Agriculture.

29400. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43433. Sample No. 26532-D.)

This product was infested with maggots.

On August 16, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by Spring Mountain Blueberry Association, Dominic Miraldo, from Tresckow, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29401. Adulteration of blueberries. U. S. v. 8 Crates and 4 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43368, 43435. Sample Nos. 26533-D, 26662-D.)

This product was infested with maggots.

On August 11 and 16, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 9 and 14, 1938, by Ed Dvorak (or Dworak) from Kelayres, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29402. Adulteration of crab meat. U. S. v. 23 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43514. Sample No. 34277-D.)

This product contained evidence of the presence of filth.

On August 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 pound cans of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 18, 1938, by G. T. Elliott Co., Inc., from Hampton, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy animal substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29403. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43371. Sample No. 26688-D.)

This product was infested with maggots.

On August 12, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Michael Gelatko from Tresckow, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29404. Adulteration of blueberries. U. S. v. 22 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 4333). Sample No. 26636-D.)

This product was infested with maggots.

On August 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 7, 1938, by John Shimko from Tobyhanna, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29405. Adulteration of blueberries. U. S. v. 21 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43331. Sample No. 26637–D.)

This product was infested with maggots.

On August 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 7, 1938, by J. A. Kaneski from Blandford, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29406. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43436. Sample No. 26671-D.)

This product was infested with maggots.

On August 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 11, 1938, by John J. Ordille, Hammonton, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29407. Adulteration of blueberries. U. S. v. 7 Crates of Blueberriess. Default decree of condemnation and destruction. (F. & D. No. 43505. Sample No. 26536-D.)

This product was infested with maggets.

On August 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 12, 1938, by S. Spitz from Olyphant, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29408. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43333. Sample No. 26640-D.)

This product was infested with maggets.

On August 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 8, 1938, by John Shisko from Kelayres, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29409. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43507. Sample No. 26540-D.)

This product was infested with maggets.

On August 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 15, 1938, by Spring Mountain Blueberry Association, Peck & Gioda, from Beaver Meadows, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29410. Adulteration of huckleberries. U. S. v. 12 Crates and 2 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 48504. Sample No. 26534-D.)

This product was infested with maggets.

On August 16, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 crates of huckleberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by M. Husine from Tobyhanna, Pa.; and charging adulteration in violation of the Foods and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Harry L. Brown, Acting Secretary of Agriculture.

29411. Adulteration and misbranding of lemon juice. U. S. v. 24 Gallon Bottles of Lemon Juice. Default decree of condemnation and destruction. (F. & D. No. 43094. Sample No. 25950-D.)

This product was represented to be pure lemon juice, but consisted essentially of water, citric acid, lemon oil, a clouding agent, and added coal-tar color, with

only a small amount of lemon juice.

On July 19, 1938, the United States attorney for the District of New Jersey acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gallon bottles of lemon juice at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about June 29, 1938, by Sun Kist Fruit Juice Co. from Bronx, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "California Brand Lemon Juice 100% Pure * * Packed by Pure Juice Products Co. New York."

It was alleged to be adulterated in that an imitation lemon juice consisting of water, citric acid, lemon oil, a clouding agent, and added coal-tar color, with a small amount of lemon juice, had been mixed and packed with the article so as to reduce or lower its quality or strength and had been substituted wholly or in part therefor; and in that it had been mixed and colored in a

manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statements, "Made from the juice of tree ripened lemons" and "Lemon Juice 100% Pure," and the design of lemons were false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of and was offered for sale under the distinctive name of another article, lemon juice.

On September 7, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

Harry L. Brown, Acting Secretary of Agriculture.

29412. Adulteration of dried apricots. U. S. v. 143 Cases of Dried Apricots, Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 43108. Sample No. 17972-D.)

This product was in part insect-infested and decomposed.

On July 29, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 cases of dried apricots at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 2, 1938, by R. Fair from Stockton, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed By R. Fair Modesto, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy and decomposed vegetable substance.

On August 29, 1938, R. Fair, Modesto, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good be separated from the bad and the latter destroyed.

29413. Adulteration of crab meat. U. S. v. 200 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43798. Sample No. 34285-D.)

This product contained evidence of the presence of filth.

On August 25, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 pounds of crab meat at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by J. H. Fleming from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy

animal substance.

On September 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29414. Adulteration of flour. U. S. v. 20 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43238. Sample No. 27610-D.)

This product was insect-infested.

On August 8, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of flour at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about August 16, 1937, from Sterling, Kans., by the Arnold Milling Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Manufactured by The Arnold Milling Co. Sterling, Kans."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29415. Adulteration of candy. U. S. v. 18 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43059. Sample No. 23866-D.)

This product was insect-infested.

On or about July 14, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about May 17, 1935, by Geo. Ziegler Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Geo. Ziegler Co. Milwaukee, Wis."

The article was alleged to be adulterated in that it consisted wholly or in part

of a filthy vegetable substance.

On September 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29416. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43149. Sample No. 34137-D.)

This product contained evidence of the presence of filth.

On July 15, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Wildwood, N. J.; alleging that the article had been shipped in interstate commerce on or about July 13, 1938, by Coulbourne & Jewett from St. Michaels, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy animal substance.

On September 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29417. Adulteration of candy. U. S. v. 14 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43065. Sample No. 23882-D.)

This product was insect-infested.

On or about July 13, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about April 15, 1937, by Specialty Candy Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Specialty Candy Co., Inc. N. O. La."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance. On September 2, 1938, no claimant having appeared, judgment of condemuation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29418. Adulteration of pecan halves. U. S. v. 1 Barrel of Pecan Halves. Default decree of condemnation and destruction. (F. & D. No. 43018. Sample No. 22328-D.)

This product was in part worm-eaten and moldy.

On July 5, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of pecan halves at Detroit, Mich.; alleging that the article had been shipped in inter-state commerce on or about June 15, 1938, by R. E. Funsten Co. from St. Louis, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Funstens Sterilized Medium Pecan Halves * * * R. E. Funsten & Co., St. Louis, Crowley Milner Co. * * * Detroit.

Michigan." It was alleged to be adulterated in that it consisted wholly or in part of a

filthy and decomposed vegetable substance.

On September 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29419. Adulteration of candy. U. S. v. 43 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43078. Sample No. 23870-D.)

This product was moldy and insect-infested.

On July 16, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates from July 23 to November 6, 1937, by Henry Heide, Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29420. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43432. Sample No. 26530-D.)

This product was infested with maggots.

On August 16, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by Spring Mountain Blueberry Association, Petrole Bros., from Tresckow, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, or putrid vegetable substance.
On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29421. Adulteration of blueberries. U. S. v. 7 Crates and 14 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43370, 43434. Sample Nos. 26531-D, 26667-D.)

This product was infested with maggets.

On August 12 and 16, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 10 and 14, 1938, by M. S. Pollock from Tresckow, Pa.; and charging adulteration in violation of the Food and Drugs

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29422. Adulteration and misbranding of candy. U. S. v. 20 Boxes of Candy (and 4 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42981, 43036, 43081, 43122, 43129, 43130. Sample Nos. 16251-D, 23862-D, 23874-D, 23903-D, 23904-D, 23905-D.)

Samples of this product were found to contain insects, insect fragments, and rodent hairs. In certain instances the quantity of the contents was not correctly

declared since in one lot a shortage from the declared weight was found and in three lots the statement on the labels, "½ oz. or over," gave no accurate idea of the weight of the contents, which averaged 3 ounces or more.

On or about June 25, July 9, 16, 26, and 27, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of fagirentiate, fixed in the district court fixers praying service and condemnation of 6 lots, totaling 153 boxes of candy, at Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates within the period from on or about June 1, 1937, to on or about May 4, 1938, by Primrose Candy Co. from New Orleans, La.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty's Pure Candy Primrose Candy Co. New Orleans, La."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

Misbranding was alleged in that the statements on the labels "1/2 Oz. or over" with respect to two lots and the statement "31/2 Oz. or over" with respect to one lot were false and misleading and tended to deceive and mislead the purchaser, since in the former instance the statement gave no accurate idea of the amount of food in the package and in the latter instance the package contained less than 31/2 ounces. Misbranding was alleged with respect to the said three lots and also with respect to a fourth lot in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated

On September 2, 6, and 9, 1938, no claimant having appeared, judgments of

condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29423. Adulteration of crab meat. U. S. v. 1 Barrel and 40 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43513, 43795. Sample Nos. 34077–D, 34079–D.)

This product contained evidence of the presence of filth.

On August 22 and 24, 1938, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1 barrel of crab meat at New York, N. Y., and 40 pounds of crab meat at Reading, Pa., alleging that the article had been shipped in interstate commerce on or about August 18 and 22, 1938, by the Coston Co. from Hampton Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy animal substance.

On September 9 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

29424, Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43306. Sample No. 26622-D.)

This product was infested with maggets.

On August 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 4, 1938, from St. Clair, Pa., by D. E. Mahoney; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29425. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43291. Sample No. 12980-D.)

This product was infested with maggots.

On August 4, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1938, from St. Clair, Pa., by M. Kundrack; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]4

29426-29450

1939

U. S. Dog Ament of Agriculture

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 23, 1938]

29426. Adulteration and misbranding of gauze bandages and absorbent cotton. U. S. v. 42 Cartons of Gauze Bandages and 35 Packages of Absorbent Cotton. Default decrees of condemnation and destruction. (F. & D. Nos. 42449, 42997. Sample Nos. 1783-D, 18954-D.)

Samples of these products were found to be unsterile.

On May 26 and June 29, 1938, the United States attorneys for the Northern District of Texas and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 42 cartons of gauze bandages at Dallas, Tex., and 35 packages of absorbent cotton at Los Angeles, Calif.; alleging that the articles had been shipped in interstate commerce on or about June 5, 1937, and April 6, 1938, from New Rochelle, N. Y., by the American White Cross Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below

the professed standard or quality under which they were sold.

The gauze bandages were alleged to be misbranded in that the designation on the carton, "Hospital Bandage," a picture depicting a surgeon, and the statement, "This bandage is prepared under the most sanitary and scientific conditions Absolute satisfaction guaranteed," borne on the label, were false and misleading for the reason that such bandages were not prepared under the most sanitary and scientific conditions and were not sterile, but were contaminated with viable aerobic and anaerobic or facultative anaerobic microorganisms.

The absorbent cotton was alleged to be misbranded in that the statement on the label, "Sterilized * * * Clinic Absorbent Cotton," was false and misleading when applied to an article that was not sterile but was contaminated

with micro-organisms and that was not suitable for use in clinics.

On July 5 and July 26, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29427. Adulteration and misbranding of rubber prophylactics. U. S. v. 145
Gross of Rubber Prophylactics, et al. Default decrees of condemnation
and destruction. (F. & D. Nos. 42924, 42933. Sample Nos. 14568-D to
14571-D, incl., 14574-D.)

Samples of this product were found to be defective in that they contained holes

One June 15 and 16, 1938, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 285½ gross of rubber prophylactics at Boston, Mass.; alleging that the article had been shipped in interstate commerce on May 23, 25, and 26, 1938, from New York, N. Y., by Mayfair Chemical Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pro-Tek," "Gold Town," "Silver Town," or "Royal Crown."

It was alleged to be adulterated in that its strength fell below the professed

standard and quality under which it was sold.

Misbranding was alleged in that the following statements on the labels were false and misleading: "Pro-Tek," "Disease Preventative," "Prophylactic," and "For Prevention of Disease."

On August 22, 1938, no claimant having appeared, judgments of condemna-

tion were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29428. Adulteration and misbranding of rubber prophylactics. U. S. v. 5 Gross of Rubber Prophylactics (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41790, 41870, 42450. Sample Nos. 9815-D, 16922-D, 16929-D, 16930-D.)

Samples of this product were found to be defective in that they contained holes.

On or about February 19, March 4, and May 24, 1938, the United States attorneys for the Eastern District of Virginia and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts three libels praying seizure and condemnation of 200 gross of rubber prophylactics in various lots at Norfolk, Va., and Harrisburg, Pa.; alleging that the article had been shipped in interstate commerce on or about December 11 and 14, 1937, and March 12, 1938, from New York, N. Y., by Goodwear Rubber Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silverpac," "Tetratex," or "Three Knights."

It was alleged to be adulterated in that its strength fell below the professed

standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the several labels were false and misleading: (Silverpac) "Silverpac is non-porous Smoke Tested * * * Guaranteed Five Years Your Health Demands Silverpac This is your Seal of Protection For Prevention of Disease Disease Preventative"; (Tetratex) "For Prevention of Disease Prophylactic Guaranteed Five Years"; (Three Knights) "For perfect masculine Hygiene prophylactic Guaranteed for 5 years hole proof triple tested For prevention of disease."

On May 11 and June 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29429. Adulteration and misbranding of kamala compound. U. S. v. 18 Bags of Kamala Compound, et al. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42455. Sample No. 15792-D.)

The labeling of this product bore false and fraudulent curative and thera-

peutic claims and false representations regarding its composition.

On June 1, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bags of kamala compound at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 10, 1937, from Peoria, Ill., by Vitamineral Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kamala 1/4 AP Compound * Manufactured by Vitamineral Products Co. Peoria, Illinois."

Analysis of a sample of the article showed that it consisted essentially of ground plant material including kamala, nicotine, ferrous sulphate, calcium

carbonate, and castor oil, and that it contained no copper sulphate.

The article was alleged to be adulterated in that its strength or purity fell below the professed standard under which it was sold, namely, "Ingredients * * * Copper Sulphate," since it contained no copper sulphate.

Misbranding was alleged in that the following statements in the labeling

falsely and fraudulently represented the curative and therapeutic effects of the article: "For the treatment of animals affected with large round worms and for the treatment of poultry affected * * * or tape worms * * *
For Swine * * * For Dairy Cows Beef Cattle—Mix this product at the ratio of four to six pounds (according to how badly animals are infested) with each 100 pounds of grain, mash or slop * * * For Horses and Sheep * * * For Poultry * * * For Dogs, Foxes, Small Animals * * * For small animals convalescing from distemper, malnutrition or any other

run-down condition, and suspected of being infested with large round worms, feed one tablespoonful of this product per day until satisfactory results are noted. In this Treatment do not look for an expulsion of whole worms. Large round worms and tape worms, under this treatment, are generally expelled in emaciated form and should appear, in the feces, in the form of small particles of skins of the worms."

Misbranding was alleged further in that the statement, "Ingredients, Kamala, Nicotine, Powdered Tobacco, Castor Oil, Copper Sulphate, Linseed Oil Meal and Dried Yeast," was false and misleading when applied to an article that did not contain copper sulphate and did contain ferrous sulphate which was not declared; and in that the statement, "* * allowing the mixture to stand at least 12 hours before feeding in order that the yeast may start to work," was false and misleading when applied to an article that contained no viable yeast cells.

On August 26, 1938, claimants Albert T. Peters and Paul S. Casey, trading as Vitamineral Products Co., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under

bond conditioned that it be relabeled.

HARRY L. BROWN, Acting Secretary of Agriculture.

29430. Misbranding of Vegetrates. U. S. v. 34 Bottles of Vegetrate Formula No. H-410 and 12 Bottles of Vegetrate Formula No. A-45. Default decree of condemnation and destruction. (F. & D. Nos. 41337, 41339. Sample Nos. 50357-D, 50359-C.)

The labeling of these products bore false and fraudulent curative or thera-

peutic claims and other misrepresentations.

On January 11, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bottles of Vegetrates at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about May 15 and November 10, 1937, from Los Angeles, Calif., by Vegetrates, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that they consisted essentially of plant material. Each tablet of formula No. H-410 contained phosphorus compounds equivalent to 0.03 grain of phosphorus, and each tablet of formula No. A-45 contained phosphorus compounds equivalent to 0.04 grain of

phosphorus.

The articles were alleged to be misbranded in that the following statements on their respective labels were false and misleading, since if consumed in accordance with the directions, would supply only inconsequential amounts of phosphorus: (Formula No. H-410) "Compounded from ingredients of vegetable origin, selected and grown with particular regard to a high phosphorous * * * content. * * * Directions Adults: 2 to 3 tablets, 3 times a day"; (Formula No. A-45) "Compounded from ingredients of vegetable origin only, and are so processed and proportioned as to make available a high content of organic phosphorus. The vegetable ingredients * * * are all prolific sources of organic phosphorus. Directions Adults: Three or four tablets, three times

a day."

Misbranding was alleged further in that the statement on the label, "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health," falsely and fraudulently represented the curative or therapeutic effect of the articles. Misbranding was alleged further in that the combinations of letters and numbers, "Vegetrate Formula No. H-410" and "Vegetrate Formula No. A-45," appearing on the respective labels of the articles were devices which falsely and fraudulently represented the curative or therapeutic effects of the articles, since the said combinations of letters and figures meant to purchasers that the articles were, respectively, treatments for high blood pressure and arthritis; and had attained such meaning to purchasers as a result of the following facts and circumstances: Booklets entitled "Wrong Diet The Curse of the Age," a supply of which was furnished by the consignor to the consignee and was distributed to customers and prospective customers, contained on page 31 the following statements: "H-410 * * * Blood Pressure (High)"; "A-45 * * * Arthro-Inflammation (Arthritic)." Moreover, the labeling theretofore [1935] used on the respective articles contained the following wording: "Vegetrate Formula No. * * * H-410. A food recommended as a dietary adjuvant in the reduction of Hypertension."; "Vegetrate Formula * * * No. A-45 The Arthritic."

On February 28, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29431. Misbranding of Dr. Ranoll's Tablets. U. S. v. 24 Packages of Dr. Ranoll's Indian Herb Tablets and 28 Packages of Dr. Ranoll's Indian Black Tablets. Default decree of condemnation and destruction. (F. & D. No. 42099. Sample Nos. 17123-D, 17124-D.)

The labeling of these products bore false and fraudulent curative and thera-

peutic claims and other statements which were false and misleading.

On April 1, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 packages of the above-named products at Grantsville, Md.; alleging that the articles had been shipped in interstate commerce on or about February 2, 1938, from Altoona, Pa., by the Suter Chemical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Herb Tablets consisted essentially of aloe, podophyllum, gentian, capsicum, and coating materials; and that the Black Tablets consisted essentially of methenamine, potassium nitrate, oil of juniper, and plant drugs including buchu, uva ursi, podophyllum, and an emodin-bearing drug.

Both products were alleged to be misbranded in that the word "Indian" in the name, and the picture of an Indian on the carton, were false and misleading since the said word and picture represented that the preparations consisted of ingredients employed by Indians, whereas they did not consist of ingredients employed by Indians; and in that the statement "Guaranteed * * * To comply with all the requirements of the Federal Food and Drug Act," on the carton, was false and misleading since it created the impression that the articles had been examined and approved by the Government of the United States and that the Government guaranteed that they complied with the law and that they did so comply; whereas they had not been so approved and guaranteed and

did not comply with the law.

Misbranding was alleged further in that the following statements in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the articles: (Herb Tablets) "Recommended for Liver and Stomach Trouble Indigestion * * * Recommended for:—Stomach, Liver, and Bowel Trouble * * * & Indigestion, * * * Take * * * until they become regular and normal. * * * Recommended for:-Stomach, Liver, and Bowel Trouble, * * * & Indigestion, * * * is a Blood and Liver Medicine * * *
They avoid Constipation by * * * acting directly on the liver. Moving the bile and cleaning up the liver of poisonous matter. * * allowing no food to become sour and causing gas or sour stomach. * * persons need * * * their liver regulated. * * * a sluggish liver are not only uncomfortable, but dangerous. Typhoid, appendicitis, piles, etc., are the result. Take no chances but help the liver and bowels to perform their work by using our * * is quickly assimilated by the * * * liver. Indian Herb Tablets. * They are recommended for sick headache, coated tongue, irregular * * * bowels, brown liver spots showing on the face by pimples"; (Black Tablets) "Recommended for weak kidneys, Inflammation of the bladder, Backache, and Children that wet the bed. * * * For Kidney and Bladder Trouble * * * are fine for children who have weak kidneys and wet the bed. * * * Pains in the back. Scanty urine. Too frequent to urinate. Depressed and tired feeling. Restless at night. Pain in the groins. Irritability. Aching limbs. Continuous thirst. Burning sensation. Backache or weak back. Irritation of the bladder, lumbago, pain in the head, pain across the kidneys, pain shooting through the limbs like rheumatism, all means weak kidneys and should be attended to at once, before they become serious. One of the principal ways leading to Brights Disease is kidney trouble not being looked after in time. Kidney disease breaks down the health of the whole body by the accumulation of uric acid in the blood. It is the duty of the kidneys to filter this, but when diseased, the kidneys cease to work and all the impure matter is thrown on the system and the whole system poisoned. Don't overlook this important organ if you have pains across the small of the back or any of the symptoms, take no chance."

On May 4, 1938, no claimant having appeared, judgment of condemnation was

entered and the products were ordered destroyed.

29432. Adulteration and misbranding of rubber prophylactics. U. S. v. 1 Gross, 18 Gross, and 5 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 42451, 42452, 42453. Sample Nos. 24319-D, 24320-D, 24346-D, 24349-D.)

Samples of this product were found to be defective in that they contained holes.

On May 25, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gross of rubber prophylactics at Columbus, Ohio; alleging that the article had been shipped in interstate commerce within the period from on or about October 14, 1937, to on or about April 19, 1938, from Spencer, Ind., by World's Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, variously: "Red Bird," "X cello's," or "Silver-Tex."

It was alleged to be adulterated in that its strength fell below the professed

standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Red Bird) "Prophylactic * * * Guaranteed Five Years * * * for the Prevention of Contagious Diseases * * * For Prevention of Disease"; (X cello's) "X cello's the perfected latex * * * For Prevention of Disease"; (Silver-Tex) "* * * for Prevention of Disease"; (Silver-Tex) "* * * for Prevention of Disease" * * Prophylactic * * * Guaranteed Five Years * * * for the Prevention of Contagious Disease."

On August 31, 1938, no claimant having appeared, judgment of condemnation

was entered and the article was ordered destroyed.

HARRY L. BROWN, Acting Scoretary of Agriculture.

29433. Misbranding of Shapley's Derol, Unguentum Camphoratum, Liniment, Tonup, and Stimulating Pills. U. S. v. Shapley Drug Co., Inc., and Milton L. Shapley. Plea of guilty as to corporation; fine, \$50. Plea of not guilty as to individual. Facts submitted to court upon a stipulation. Judgment of not guilty. (F. & D. No. 36078. Sample Nos. 28324-B, 28323-B, 32302-B, 32304-B.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and the Tonup contained less alcohol than declared on its label.

On February 26, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shapley Drug Co., Inc., Decatur, Ill., and Milton L. Shapley, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 13 and 19 and April 13 and 19, 1935, from the State of Illinois into the State of Iowa, of quantities of the above-named products which were misbranded. The articles were labeled in part: "Manufactured By Shapley Drug

Co." or "Shapley Drug Co. Inc Dectatur, Ill."

Analyses of samples of the article showed that the Derol consisted essentially of mineral oil, small proportions of volatile oils (including eucalyptol, menthol, and possibly camphor), and a trace of iodine, colored with a red dye; the Unguentum Camphoratum consisted essentially of a small proportion of volatile oils (including camphor, menthol, and possibly eucalyptol), incorporated in a base consisting chiefly of petrolatum and a small proportion of parafin; the Liniment consisted essentially of sodium chloride, small proportions of ammonia and ammonium salts, extracts of plant drugs (including an alkaloid-bearing drug), and camphor and water; the Tonup consisted essentially of extracts of plant drugs (including sassafras, wild cherry bark, dandelion and cassia buds), alcohol (1.1 percent by volume), and water; and the Stimulating Pills contained extracts of plant drugs (including a bitter principle), coated with sodium bicarbonate and dextrose and colored green.

The articles were alleged to be misbranded in that the statements on their respective labels falsely and fraudulently represented their therapeutic and curative effectiveness as follows: (Dero!) As a treatment for sinus trouble, catarrh, tonsillitis, and various nose and throat troubles; (Unguentum Camphoratum) as a treatment for catarrh, hay fever, headache, earache, Spanish influenza, coughs, croup, whooping cough, sore throat, mumps, tonsillitis, neuralgia, muscular rheumatism, lumbago, sore joints, sore muscles, and piles of any nature, as a preventative of Spanish influenza and of flu, as a first aid for burns, and as an antiseptic for cuts, burns, and scalds: (Liniment) as a treatment for rheumatism, neuralgia, lumbago, neuritis, stiff or puffed joints, sore throat, and croup, and its effectiveness to penetrate the affected parts;

(Tonup) as an effective agent to tone up the system, as a tonic regulator and invigorator to the human system, as an effective agent to have tonic and cleansing action upon the blood, liver, bowels, etc., as a treatment, remedy, and cure for loss of appetite, loss of strength, fatigue, malarial conditions, general debility, liver and bowel disorders, anemia, exhaustion from overwork, nervousness, and weakness, and as a reconstructive tonic; (Stimulating Pills) as an effective agent to stimulate the kidneys and bladder and as a treatment for backache, kidneys and bladder, rheumatic pains, uric acid, gout, scanty urine, and all weaknesses of the urinary system.

The Tonup was alleged to be misbranded further in that the statement on the label, "Alcohol 10%," was false and misleading since it represented that the article contained 10 percent of alcohol; whereas it contained less than 10 percent, i. e., not more than 1.1 percent of alcohol; and in that it contained alcohol and its label failed to bear a statement of the quantity or proportion

of alcohol contained therein.

On July 29, 1938, the corporation having entered a plea of guilty, it was sentenced to pay a fine of \$50. The issue as to Mliton L. Shapley was submitted to the court upon a stipulation of facts, a jury having been waived, whereupon the court made a finding of not guilty.

HARRY L. BROWN, Acting Secretary of Agriculture.

29434. Adulteration and misbranding of Epsom salts. U. S. v. 24 Cases of Epsom Salts. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43089. Sample No. 30412-D.)

This product was sold as Epsom salt, a product which should contain 99.5 percent of anhydrous magnesium sulphate as required by the test leid down in the United States Pharmacopoeia but which contained not more than 82.56 percent of anhydrous magnesium sulphate and approximately 14.32 percent of sodium sulphate when so tested. Furthermore, the labeling bore false

and fraudulent curative and therapeutic claims.

On August 4, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of Epsom salts at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about February 16, 1938, from Denver, Colo., by Larche Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that it differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopoeia and its own standard of strength, quality, and

purity was not stated on the label.

It was alleged to be misbranded in that the statements, "Epsom Salts Magnesium Sulphate * * * Nature Made It Pure * * * Hot concentrated, aqueous solutions of magnesium sulphate * * * are extensively used * * * cloths being saturated and applied while hot. The action * * * has the advantage of being sterile. These salts are guaranteed to be technically pure in every detail," were false and misleading and deceived the purchaser thereof since the statements represented that the article was pure magnesium sulphate (or magnesium sulfate) and that when used as directed it was sterile; whereas it was not pure magnesium sulphate or magnesium sulfate since it contained a material portion of sodium sulphate and when used as directed, it was not sterile. The article was alleged to be misbranded further in that the statement on the label, "Used in the treatment of deepseated infections," falsely and fraudulently represented its curative or therapeutic effect.

On August 25, 1938, the Larche Laboratories, Denver, Colo., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. Brown, Acting Secretary of Agriculture.

29435. Adulteration and misbranding of rubber prophylactics. U. S. v. 45¹¹/₁₂ Gross of Rubber Prophylactics (and one similar seizure action). Default decrees of condennation and destruction. (F. & D. Nos. 42100, 42270 to 42273, incel. Sample Nos. 2891-D, 2893-D, 17875-D, 17876-D, 17877-D, 17879-D.)

Samples of this product were found to be defective in that they contained holes.

On March 81 and April 29, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 156½ gross of rubber prophylactics at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on various dates between April 25, 1937, and January 28, 1938, from Akron, Ohio, by Akron Drug & Sundries Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, variously: "Silver-Tex," "Golden Pheasant," "Majestic," "Gold-Pak," or "Musketeers."

It was alleged to be adulterated in that its strength fell below the professed

standard or quality under which it was sold.

Misbranding was alleged in that the following statements on the several labels were false and misleading: (Silver-Tex) "Super Fine," "For the Prevention of Contagious Disease," "For Prevention of Disease," "Disease Preventative," "Superior Non-Deteriorating," "Guaranteed 5 Years," "Health Protection," "For Prevention of Diseases"; (Golden Pheasant) "The finest prophylactics," "For the Prevention of Disease," "Guaranteed 5 Years," "For the Prevention of Contagious Disease," "Guaranteed Five Years," "For Prevention of Disease"; (Gold-Pak) "For your Protection," "For Prevention of Disease," "Guaranteed Five Years"; (Musketeers) "Positive Protection," "Guaranteed Five Years," "Tor Prevention of Disease," "For Prevention of Disease."

On May 12 and 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29436. Misbranding of Miracle Latex Bandage. U. S. v. 420 Cartons of Miracle Latex Bandage. Default decree of condemnation and destruction. (F. & D. No. 42331. Sample No. 17886-D.)

This product was represented to be sterile but was contaminated with viable

micro-organisms.

On May 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 cartons of Miracle Latex Bandage at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 1, 1938, from Portland, Oreg., by Michel Sales Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Miracle Latex Bandage * * * Miracle Sales Co. Yelm Washington."

It was alleged to be misbranded in that the statement in the circular, "Miracle Bandage * * * Is made from pure Latex * * * the Latex is wrapped in aseptic gauze, both the Latex and Gauze are sterilized for the protection of the user," was false and misleading when applied to an article that was not

sterile but was contaminated with viable micro-organisms.

On August 20, 1938, no claimant having appeared, Judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29437. Misbranding of Anti-Cholelith. U. S. v. 21 Bottles of Anti-Cholelith.

Default decree of condemnation and destruction. (F. & D. No. 42987.

Sample No. 15938-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 29, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Anti-Cholelith at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, from Springfield, Mo., by Leon Chemical Co.; and charging misbranding in violation of the Food and Drugs Act.

Analysis of the article showed that it consisted essentially of water, glycerin, phosphoric acid, and extracts of plant drugs including hydrastis and cinchona.

The article was alleged to be misbranded in that statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective in the treatment of gallstones, abnormal conditions of the bile, and gall-bladder trouble; and as a nerve and tissue builder.

On August 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29438. Misbranding of gauze bandages. U. S. v. 45 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 42893. Sample No. 27347-D.)

The labeling of this product bore false and misleading representations that it was sterile; whereas it was contaminated with viable micro-organisms.

On June 4, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 dozen packages, 1-inch size, and 12 dozen packages, 2-inch size, of gauze bandage at Denver, Colo., consigned by Hampton Manufacturing Co., Inc.; alleging that the article had been shipped in interstate commerce on or about March 16, 1938, from Carlstadt, N. J.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "National Gauze Bandage * * National Pharmacal Company, New York, N. Y."

It was alleged to be misbranded in that the statement on the label in English, "Has been scientifically prepared for surgical use under sanitary manufacturing conditions," and a similar statement in Spanish, were false and misleading when applied to an article contaminated with viable micro-organisms.

On July 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29439. Misbranding of Spavin Counter-Irritant. U. S. v. 18 Bottles of Spavin Counter-Irritant. Default decree of condemnation and destruction. (F. & D. No. 42892. Sample No. 24822-D.)

The labeling of this product bore false and fraudulent curative and thera-

peutic claims.

On June 14, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Spavin Counter-Irritant at Raleigh, N. C.; alleging that the article had been shipped in interstate commerce on or about March 22, 1938, from Newburgh, N. Y., by the Kells Co.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. E. Detchen Med. Co., Spavin Counter-Irritant."

Analysis of a sample of the article showed that it consisted essentially of oil

of turpentine and ginger.

Misbranding was alleged in that the following statements in the labeling falsely and fraudulently represented the curative or therapeutic effectiveness of the article: "Spavin * * * is used as a local treatment for new and acute Bone Spavins, * * * splints. * * * Apply with the hand once a day for three days; then omit three days and so continue applying and omitting for the space of thirty days. Then omit two weeks to see if the enlargement or disease is all gone. If not repeat the process. Bathe the throat for Distemper, Sore Throat and coughs. Bathe the breast and sides for Lung Fever, Boils and Heaves. One bottle is usually sufficient, very bad blemishes require several."

On August 17, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29440. Adulteration and misbranding of Epsom salts. U. S. v. 20 Bags and 77 Bags of Epsom Salts. Default decree of condemnation. Product delivered to welfare organization. (F. & D. Nos. 41960, 41961. Sample Nos. 11561-D, 11563-D.)

This product was sold under a name recognized in the United States Pharmacopoeia, Epsom salt, i. e., magnesium sulphate, but differed from the standard laid down in said pharmacopoeia since it contained a considerable proportion of

sodium sulphate, i. e., Glauber's salt.

On March 16, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 bags of Epsom salts at Salt Lake City, Utah; alleging that the article had been shipped in interstate commerce on or about December 3, 1937, from Medicine Bow, Wyo., by Wyoming Chemicals, Inc.;

and charging adulteration and misbranding in violation of the Food and

Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, Epsom salt, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia since it contained approximately 31 percent in the case of one lot, and 41 percent in the case of the other lot, of sodium sulphate, i. e., Glauber's salt; and its own standard of strength, quality, and purity was not stated on the container.

Misbranding was alleged in that the statement on the label of one lot, "Epsom Salts—U. S. P. Grade," and that on the other lot, "Epsom Salts," were false and misleading. Further misbranding was alleged in that the article was offered for sale under the name of another article. Epsom salt; whereas it was a mixture

of Epsom salt and Glauber's salt.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization to be used for external medicinal purposes.

HARRY L. Brown, Acting Secretary of Agriculture.

29441. Misbranding of Healthagain Preparations. U. S. v. Healthagain Laboratories. Inc. Plea of guilty. Finc, \$240. (F. & D. No. 31447. Sample Nos. 4758-A, 8951-A, 8953-A, 8954-A, 19226-A, 21756-A, 21758-A, 21826-A.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false representations regarding their composition.

On October 24, 1934, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Healthagain Laboratories, Inc., Wellsburg, W. Va.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 17, 21, and 26 and October 25, 1932, from the State of West Virginia into the States of Illinois, New York, Pennsylvania, and Ohio of quantities of Healthagain Preparations, hereinafter described, which were misbranded and of which certain ones were adulterated. The articles were labeled in part: "Healthagain Laboratories, Inc. * * Wellsburg, W. Va." All lots with one exception were variously labeled: "* * Ulcerated Stomach," "* * Anemia," "* * Special," "* * Diabetes No. 3," "* * Anemia No. 3," or "* * Sugar Diabetes." One lot bore no special designation

Analyses of samples of the articles showed that one lot labeled "Special" and another lot labeled "Sugar Diabetes" consisted essentially of Epsom salt, sugar, alcohol, water, and plant extractives including an emodin-bearing drug, such as senna or rhubarb, and some sediment; and that the remaining lots consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs including laxative drugs such as senna, rhubarb, jalap, and podophyllum, alcohol (approximately 3.2 percent by volume), sugar (approximately 20

percent), and water.

The product designated as a treatment for ulcerated stomach and one lot of that designated as a treatment for "Sugar Diabetes" were alleged to be misbranded in that statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that they were effective as treatments for diabetes, high blood pressure, anemia, Bright's disease, dropsy, tuberculosis, liver ailments, nervousness, skin disease, ulcerated stomach, arthritis, rheumatism, gall-bladder trouble, and asthma; to enable the user to regain health; effective as a remedy for boils, carbuncles, blisters, congestion of the liver, and gangrene resulting from diabetes; effective to unload the excessive sugars, poisons, and acids that are in the liver in liquid form, to work the liver, force it into action, and to unload the raw sugars and acids through the bowels; to drive the sugar and impurities from the liver; to cleanse the liver, destroy the acid, build up the red corpuscles and increase the vitality; as a treatment for acidosis; as a remedy for obesity, sickness, weakness, disease, rheumatism, tuberculosis, gout, diabetes, skin disorder, mucous colitis, neuritis, kidney involvement, heart trouble, asthma, serious ailment, headaches, abscesses, nausea, ulcers, inflammation of gall bladder, and swelling and tenderness of skin due to acidosis; to restore the liver, spleen, and pancreas to normal functioning; to keep the liver healthy; effective as a remedy for headache, vertigo, anemia, acne, and other infections of the skin, neuritis and arthritis

due to constipation; to stimulate the liver and to cause it to unload the impurities and to do away with tired, irritated feeling; to cause regular action of the bowels; as a remedy for malassimilation, loss of appetite, decaying teeth, obesity, nonelimination, acidosis, with its many and varied manifestations, anemia and demineralization; as a remedy for all ailments and general run-down conditions arising from a dormant or inactive spleen; as a successful treatment of any disease or impure blood resulting from spleen afflictions; as a remedy for anemia caused by an enlarged spleen; to arouse the spleen into activity in order to restore normal sex life; to maintain perfect health and to insure perfect functioning of all the glands to prevent premature old age, wrinkles, and senility; as a treatment for waning sex life and nervous debility due in part to acidosis; (in the case of the treatment for ulcerated stomach only) to insure health; and (in the case of the treatment for "Sugar Diabetes"

only) as a treatment for sugar diabetes.

One lot of the treatment for "Sugar Diabetes" and those labeled "Special" and "Anemia" were alleged to be misbranded in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness as treatments for diabetes, high blood pressure, anemia, Bright's disease, dropsy, tuberculosis, liver ailments, nervousness, skin disease, ulcerated stomach, arthritis, rheumatism, gall-bladder trouble, and asthma; their effectiveness to enable the user to regain health; and (in the case of the products designated "Sugar Diabetes" and "Special") their effectiveness as treatments for sugar diabetes. The products designated "Ulcerated Stomach," "Sugar Diabetes," "Special," "Anemia," and the lot with no particular designation were alleged to be misbranded further in that the statements on the labels, "Vegetable Compound" and "No Drugs," were false and misleading since they represented that the articles consisted wholly of vegetable substances and contained no drugs; whereas they did not consist wholly of vegetable substances but contained Epsom salt and did contain drugs, Epsom salt and other laxative drugs. They were alleged to be misbranded further in that they contained alcohol and the labels on the packages failed to bear statements of the quantity and proportion of alcohol contained therein.

The products designated "Diabetes No. 3" and "Anemia No. 3" were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to be compounded wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa; whereas they were compounded in large part of Epsom salt, a mineral drug. They were alleged to be misbranded in that the statements on the labels, "Compounded of U. S. P. Vegetable Extracts and Alfalfa," "A Food Medicine," and "No Harmful Drugs," were false and misleading since they represented that the article was compounded wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa, that they were food medicines, and that they contained no harmful drugs; whereas they were not composed wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa but were composed in large part of Epsom salt, a mineral drug, they were not food medicines in that they contained no food, and they contained Epsom salt, emedin, and Jalap, which might be harmful to health. They were alleged to be misbranded further in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness to enable the user to regain health, and their effectiveness as treatments, respectively, for diabetes and anemia.

their effectiveness as treatments, respectively, for diabetes and anemia.

On July 18, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$240.

HARRY L. BROWN, Acting Secretary of Agriculture.

29442. Adulteration and misbranding of ampuls of sodium cacodylate; alleged adulteration and misbranding of ampuls of sodium iodide, sodium salicylate, caffeine sodio-benzoate, glucose, magnesium sulphate, hexamethylenamine, sodium thiosulphate, emetine hydrochloride, sodium iodide and sodium salicylate, Migratione, pituitary extract, glycorophosphate compound, from, arsenic and phosphorus ampuls, from cacodylate; and alleged misbranding of X-Bismercoil Compound and mercury biniodide. U. S. v. Rovin Therapeutic Products, Inc. Plea of guilty to counts 1, 2, and 3. Fine, \$500 on said counts. Remaining counts dismissed. (F. & D. No. 39496. Sample Nos. 12822-C, 12823-C, 27904-C to 27908-C, incl., 27979-C to 27988-C, incl., 35101-C, 35103-C, 35113-C, 35114-C, 35119-C.)

This information charged in counts 1, 2, and 3 the adulteration and misbranding of sodium cacodylate ampuls because of a deficiency of sodium

cacodylate and because of false and fraudulent curative and therapeutic claims in the labeling. It also charged in the remaining counts adulteration and misbranding of various pharmaceuticals because of variances from the declared ingredients and alleged false and fraudulent curative and therapeutic claims in the labeling of certain of the products.

On July 20, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rovin Therapeutic Products, Inc., Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, in the period from on or about May 4, 1935, to on or about December 3, 1936, from the State of Michigan into the States of Pennsylvania and Ohio of quantities of the above-listed pharmaceuticals, of which some were alleged to be adulterated and misbranded and the remainder were alleged to be misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Rovin Laboratory, Detroit, Mich."

Count 1 alleged adulteration of one lot of sodium cacodylate ampuls in that

the article was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary, since it yielded an amount of anhydrous sodium cacodylate corresponding to less than 69 percent, namely, not more than 20.3 percent of the amount listed on the label; whereas the formulary provides that ampuls of sodium cacodylate shall yield an amount of anhydrous sodium cacodylate corresponding to not less than 69 percent of the labeled amount, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Further adulteration was alleged in said count in that the strength and purity of the article fell below the professed standard and quality under which it was sold, since each milliter, or cubic centimeter, of the article was represented to contain 5 grains, or 0.324 gram, of sodium cacodylate; whereas each milliliter, or cubic centimeter, contained less than 0.324 gram, namely, not more than 0.066 gram of sodium cacodylate equivalent to not more than 1.01 grains of sodium cacodylate per

each milliliter, or cubic centimeter.

Count 2 alleged misbranding of the said lot of sodium cacodylate in that the statements "1 Mil. (cc) Ampoules Sodium Cacodylate 5 grs. * * * Each Mil. (cc) contains: Sodium Cacodylate 0.324 gm. 5 grs.," borne on the boxes, and "1 Mil. (cc) Sodium Cacodylate 5 gr.," borne on the ampul label, were false and misleading since the ampuls contained less sodium cacodylate than so represented. Count 3 alleged that the said lot of sodium cacodylate was misbranded further in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the labeling, falsely and fraudulently represented that it was effective as a therapeutic agent in conditions such as malaria, pellagra, anemia, neurasthenia, neuralgia, syphilis, and nonsyphilitic skin diseases; and effective as a general tonic and to stimulate new blood formation. The remaining counts charged adulteration of ampuls of sodium iodide, sodium salicylate, caffeine sodio-benzeate, sodium cacodylate, glucose, magnesium sulphate, hexamethylenamine, sodium thiosulphate, and emetine hydrochloride in that they were sold under names recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the tests laid down therein and also differed from their own declared standards; adulteration of ampuls of sodium iodide and sodium salicylate, Migraitone, pituitary extract, glycerophosphate compound, iron, arsenic, and phosphorus ampuls, and ampuls of iron cacodylate in that they fell below their own professed standards; and misbranding of the said drugs because of failure to conform to their labeled strength; misbranding of ampuls of X-Bismercoil in that it contained chlorobutanol, a derivative of chloroform, and its label failed to bear a statement of the quantity of chlorobutanol contained in the article; misbranding of ampuls of mercury biniodide in that the article contained mercury biniodide in excess of the amount declared on the label; and misbranding of ampuls of sodium iodide, sodium salicylate, X-Bismercoil, caffeine sodio-benzoate, sodium salicylate, magnesium sulphate, hexamethylenamine, emetine hydrochloride, sodium iodide, and sodium salicylate, glycerophosphate compound, ampuls of iron, arsenic, and phosphorus, and iron cacodylate ampuls in that certain statements in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the articles.

On July 27, 1938, the defendant entered a plea of guilty to counts 1, 2, and 3, and the court imposed a fine of \$200 on the first count, \$200 on the second, and \$100 on the third. The remaining counts were dismissed by the court.

HARRY L. BROWN, Acting Secretary of Agriculture.

29443. Adulteration and misbranding of rubber prophylactics. U. S. v. 16 Gross of Rubber Prophylactics (and 10 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41359, 41824, 41910, 42078, 42140, 42179, 42180, 42184, 4227, 42228, 42251, 42252, 42253, 42326, 42327, 42908, 43690. Sample Nos. 41752-C, 1760-D to 1764-D, incl., 8839-D, 8840-D, 9331-D, 9332-D, 9442-D, 9443-D, 9444-D, 9446-D, 9447-D, 9448-D, 9520-D, 9811-D, 10739-D, 10740-D, 12539-D, 21314-D, 21371-D, 24897-D.)

Samples of this product were found to be defective in that they contained holes,

On various dates between January 11 and September 8, 1938, eight United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 379 11/12 gross of rubber prophylactics in various lots at Chicago, Ill., Atlanta, Ga., Sloan, N. Y., Dallas, Tex., Houston, Tex., Philadelphia, Pa., New York, N. Y., and Wheeling, W. Va.; alleging that the article had been shipped in interstate commerce in the period from on or about November 11, 1937, to on or about July 30, 1938, from Kansas City and North Kansas City, Mo., by the Dean Rubber Manufacturing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, variously: "Peacocks," "Orchids," "Sekurity," "Saf-T-Skin," "RX 97," "Fetherwate," "Koro," "Extra Quality Genuine Liquid Latex," and "Clinic."

It was alleged to be adulterated in that its strength fell below the professed

standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling of the several brands were false and misleading: (One lot of Peacocks) "Prophylactic * * * Question Why can I (the buyer) be reasonably certain the rubber prophylactics I purchase actually give protection * * * Peacocks are all airblown tested and will give you protection * * * No. 1 Grade Blown Tested"; (another lot of Peacocks) the foregoing and the following statements, "For Your Protection * * * Air-Tested * * * Guaranteed against Deterioration For Five Years * * Every Peacock air blown tested under the new testing process. Finest quality that is possible to make. Demand Peacocks for your protection;" (another lot of Peacocks) "Air Tested * * * Guaranteed for ten years against deterioration. Blown Tested, and free from pin holes or defects. * * * For Prevention of Disease * * * No. 1 Grade Blown Tested"; (Orchids) "Guaranteed for 10 years against deterioration. Every 'Orchid' is carefully selected. * * * Strongest prophylactic made. * * * For prevention of disease"; (Sekurity) "For Medical purposes * * * Guaranteed five years against deterioration * * * For prevention of disease"; (Saf-T-Skin) "The Dependable Prophylactic * * * Saf-T-Skin * * * To prevent disease * * * The Modern Prophylactic * * * Guaranteed Five Years * * * Disease Preventative * * * Guaranteed 100% Air Tested * * * For Prevention of Disease"; (RX 97) "The Reliable Prophylactic * * * To Prevent Disease * * * Guaranteed Five Years * * * Guaranteed 100% Air Tested * * * Prophylactics * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterioration"; (Koro) "* * * hygiene * * * Guaranteed for 5 years against deterio

On various dates between February 28 and October 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered

destroyed.

29444. Misbranding of Go-Gon 7-11. U. S. v. Ray P. Helm (The Helm Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 40819. Sample Nos. 14682-C, 50326-C.)

The labeling of this product bore false and fraudulent curative or therapeutic

On July 21, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ray P. Helm, trading as the Helm Co., at Benton Harbor, Mich., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 28, 1937, from the State of Michigan into the State of Illinois of a quantity of Go-Gon which was misbranded and the shipment within the period from on or about January 20 to March 31, 1937, from the State of Michigan into the State of Ohio of quantities of Go-Gon which was misbranded and which theretofore had been sold to the shipper by the defendant under a guaranty that it complied with the Food and Drugs Act,

Analysis of the article, which consisted of a carton containing a bottle of liquid and a box of tablets, showed that the liquid consisted essentially of small proportions of boric acid, zinc sulphate, and a calcium compound, and phosphates, glycerin, and water; and that the tablets consisted essentially of small proportions of ferrous sulphate and volatile oils (including oil of santal, oil of winter-

green, and oil of cubeb) and copaiba coated with calcium carbonate.

Misbranding was alleged in that the following statements in the labeling falsely and fraudulently represented that the article was effective as a preventive and cure of gonorrhea, as a cure for discharges from the urethra and bladder, and urinary allments generally: (Liquid, carton) "Go-Gon 7-11 Discharges, Bladder and Urinary Trouble Relieved by the Use of Go-Gon for Bladder and Urinary Trouble Go Gon Liquid Go Gon Tablets," (bottle label) "Go-Gon 7-11," (circular in carton) "Go Gon 7-11 * * * to insure complete relief. It must not be expected that in all cases the malady will entirely disappear with the use of one bottle; but we do know that relief can be expected if you will give it a fair trial, two or three bottles. Use as a prophylactic * * * to prevent disease," and in the case of one lot "After using the Go Gon treatment and been relieved"; (tablets, carton) "Go Gon Tablets"; (tablets, container) "7-11 Tablets to be taken as a part of this treatment, made especially for this treatment."

On July 21, 1938, a plea of nolo contendere having been entered by the defend-

ant, he was sentenced to pay a fine of \$50.

HARRY L. Brown, Acting Secretary of Agriculture.

29445. Misbranding of sandalwood oil. U. S. v. 7 Bottles of Oil of Sandalwood (and one similar seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 42938, 43270. Sample Nos. 16212-D, 16254-D.)

This product was labeled "Oil Sandalwood-Imitation" indicating that it was an imitation oil of santal (or sandalwood oil), a drug recognized in the United States Pharmacopoeia. Imitation drugs are misbranded under the Food and

Drugs Act.

On or about June 23 and August 11, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 bottles of sandalwood oil at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about April 2 and June 8, 1938, from New York, N. Y., by Magnus, Mabee & Reynard; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in substance in that the statements on the respective labels, "Oll Sandalwood—Imitation" and "Oil Sandalwood Imitation—Not U. S. P.," were false and misleading.

On or about July 19 and September 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. Brown, Acting Secretary of Agriculture.

29446. Adulteration and misbranding of hydrogen peroxide. U. S. v. 120 Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. & D. No. 42166. Sample No. 11274-D.)

The label for this product represented that it contained 3 percent of hydrogen peroxide and indicated that it was solution of hydrogen peroxide, a product described in the United States Pharmacopoeia as containing a minimum of 21/2 percent of hydrogen peroxide. Three samples examined contained 1.75, 1.51, and 1.75 percent, respectively, of hydrogen peroxide.

On April 14, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bottles of hydrogen peroxide at Columbus, Ohio; alleging that the article had been shipped in interstate commerce on or about March 9, 1938, from Pittsburgh, Pa., by Pennex Products Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "3% H₂O₂,"

since it contained less than 3 percent of H2O2.

It was alleged to be misbranded in that the statement on the label, "3% H_2O_2 ," was false and misleading. It was alleged to be misbranded further in that the statement on the label, "Hydrogen Peroxide," was false and misleading since the purchaser was lead to believe that the article was solution of hydrogen peroxide recognized in the United States Pharmacopoeia as an aqueous solution containing in each 100 cubic centimeters not less than 2.5 grams of H_2O_2 ; whereas it did not contain 2.5 grams of H_2O_2 per 100 cubic centimeters, but did contain a less amount.

On August 31, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

29447. Misbranding of santal oil capsules. U. S. v. 108,000 Capsules of Santal Oil, et al. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 42399, 42400, 42402. Sample Nos. 12582-D, 12584-D to 12587-D, incl., 12589-D, 12590-D.)

This product was sold as santal oil, a name meaning oil of santal (or sandal-wood oil), but failed to conform to the tests prescribed by the United States Pharmacopoeia for oil of santal, since it was not soluble in 5 volumes of

70-percent alcohol.

On May 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171,000 capsules of a product invoiced as "Santal Oil E. I.," at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 1 and November 13, 1937, and March 24, 1938, from Detroit, Mich., by Gelatin Products Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was an imitation of another article, sandalwood oil, a drug recognized in the United States Pharmacopoeia; and in that it was sold as santal oil, a name meaning sandalwood oil (a drug recognized in the United States Pharmacopoeia), but was not

sandalwood oil.

On August 30, 1938, Philip Kachurin, trading as Kachurin Drug Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured.

HARRY L. BROWN, Acting Secretary of Agriculture.

29448. Adulteration and misbranding of oil of sandalwood. U. S. v. 5 Bottles of Oil of Sandalwood (and 11 similar seizure actions). Decrees of condemnation. Portion of product ordered destroyed. Remainder released under bond for relabeling. (F. & D. Nos. 42939, 42940, 42941, 43006, 43007, 43267, 43268, 43298, 43273, 43274, 43275, 43437. Sample Nos. 10832—D, 10833—D, 16213—D, 16255—D, 16255—D, 16471—D, 16472—D, 23743—D, 23744—D, 23745—D, 24865—D, 30053—D.)

This product was labeled to indicate that it was santal oil of United States Pharmacopoeial standard; but was not since it did not have the characteristic

odor of santal oil and it also contained a terpineol.

On various dates between June 17 and August 23, 1938, five United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts 12 libels praying seizure and condemnation of 26 bottles of oil of sandalwood at Houston, Texas, 143¾ pounds of the product at Philadelphia, Pa., 21 bottles at Pittsburgh, Pa., 9 bottles at New Orleans, La., and 4½ pounds at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on various dates between September 29, 1937, and June 8, 1938, from New York, N. Y., by Magnus, Mabee & Reynard.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard of quality or strength under which it was sold, namely, "Oil

Sandalwood—U. S. P. East Indian," since it was not as represented.

Misbranding was alleged in that the statement, "Oil Sandalwood U. S. P.
East Indian," borne on the label, was false and misleading since it led the purchaser to believe that the article was sandalwood oil, recognized in the

United States Pharmacopoeia; whereas it was not.

On August 8 and 17, 1938, Magnus, Mabee & Reynard having appeared as claimant for the lots seized at Philadelphia and Pittsburgh, Pa., judgments of condemnation were entered and the said lots were ordered released under bond conditioned that they be relabeled and disposed of for technical purposes. No claim having been entered for the remaining lots, default decrees of condemnation and destruction were entered within the period from on or about July 19 to on or about September 30, 1938.

HAERY L. BROWN, Acting Secretary of Agriculture.

29449. Misbranding of Pon-Tam-Pon Silver-Iodine, Pon-Tam-Pon 1chthyol-Iodine, and Pon-Tam-Pon Zinc-Ichthyol. U. S. v. 69 Cartons and 17 Cartons of Pon-Tam-Pon (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42047, 42048, 42217, 42218. Sample Nos. 3210-D, 3211-D, 17679-D, 17680-D.)

The labeling of all these products bore false and fraudulent curative and therapeutic claims, and that of the silver-iodine and ichthyol-iodine tampons bore false and misleading representations that they contained free iodine.

On March 26 and April 18, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 134 cartons of Pon-Tam-Pon at San Francisco, Calif.; alleging that the articles had been shipped in interstate commerce on or about October 4 and November 4. 11, and 23, 1937, from Rutland, Vt., by the Pond Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended. Each carton contained six tampons and a tube labeled: "Glycerant."

Analyses showed that the tube labeled "Glycerant" contained glycerite of starch, or glycerite of starch and boric acid; that the silver-iodine tampons consisted essentially of a gelatin shell containing a jelly composed of glycerated gelatin, boric acid, and an iodide, a layer of powder composed of silver nitrate and boric acid, and a bundle of wool fibers; that the ichthyol-iodine tampons consisted essentially of a gelatin shell containing a jelly composed of gelatin, glycerin, boric acid, ichthammol, an iodide, and a bundle of wool fibers; and that the zinc-ichthyol tampons consisted essentially of a gelatin shell containing glycerin, boric acid, ichthammol and compounds of zinc and salicylic acid, and a bundle of wool fibers.

The silver-iodine and ichthyol-iodine tampons were alleged to be misbranded in that the statements, (silver-iodine) "* * * original and pure state * * * Iodine * * * with Iodine equivalent of 20 percent of the Tincture * * * Iodine," and (ichthyol-iodine) "Ichthyol-Iodine * * * Iodine with tr. of iodine 13 percent," were false and misleading since the tampons

contained no free lodine.

All the products were alleged to be misbranded in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness as follows: (Silver-iodine) in the treatment of gonorrhea in women; (ichthyol-iodine and zinc-ichthyol) in the treatment of leucorrhea, painful menstruation, profuse and irregular menstruation, diseased tubes and ovaries and pelvic peritonitis, displacement of the uterus, fibroid tumors, sterility, to prevent miscarriage; as a treatment after miscarriage and confinement, and in complications after operations; in the treatment of headache, indigestion, backache, nervous prostration, disease of the uterus in young girls, and lacerations; (zinc-ichthyol only) in the treatment of prolapse, prolapse cystocele, and rectocele; (Glycerant) in the treatment of inflammation, skin diseases, hemorrhoids, sores, and sore gums.

On July 21, 1938, no claimant having appeared, judgments of condemnation

were entered and the products were ordered destroyed.

29450. Misbranding of Ward's Cough Syrup, Ward's Poultry Antiseptic and Astringent, Ward's Improved Colic Remedy, and Ward's Anti-Pain Remedy. U. S. v. Dr. Ward's Medical Co. Pleas of guilty on counts 1 and 3; pleas of nolo contendere on counts 2 and 4. Total fines, \$50. (F. & D. No. 89758. Sample Nos. 19649-C, 30421-C, 30423-C, 30425-C.)

The labeling of these products bore false and fraudulent representations

regarding their curative and therapeutic effects.

On January 25, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 18 or January 29, 1937, from the State of Minnesota into the State of South Dakota of quantities of the drug preparations hereinafter described, which were misbranded.

Analysis showed that Ward's Cough Syrup consisted essentially of alcohol, ammonium chloride, chloroform, and tarry material, together with a small amount of plant extracts and aromatics; that Ward's Poultry Antiseptic and Astringent consisted essentially of potassium permanganate, copper sulphate, and boric acid, and that it was not an antiseptic when used as directed; that Ward's Improved Colic Remedy consisted essentially of a small proportion of asafetida, alcohol, and water; and that the Anti-Pain Remedy consisted essentially of a small proportion of volatile oils (including methyl salicylate, oil of sassafras, and oil of mustard) and alcohol and water.

The cough syrup was alleged to be misbranded in that certain statements and designs appearing in the circular accompanying the article, falsely and fraudulently represented that it was effective in the treatment of certain disorders and diseases of the bronchial tubes and lungs, coughs, spasmodic croup, bronchial coughs, sore throat, pleuritic coughs, whooping cough, la grippe coughs, hoarseness, and kindred ills affecting the lungs and bronchial

tubes, bronchitis, pleurisy, throat disorders, and croup.

The Poultry Antiseptic and Astringent was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the carton, falsely and fraudulently represented that the article was effective as an antiseptic in the treatment of swellings of the head, eyes, and nostrils of poultry caused by roup, and in the treatment of common head colds and certain swollen watery condition of the eyes of poultry.

Ward's Improved Colic Remedy was alleged to be misbranded in that certain statements borne on the bottle label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a remedy for colic, bloating, "Corn Stalk Disease," colds, bowel and lung disorders or

troubles of horses, cattle, sheep, and hogs.

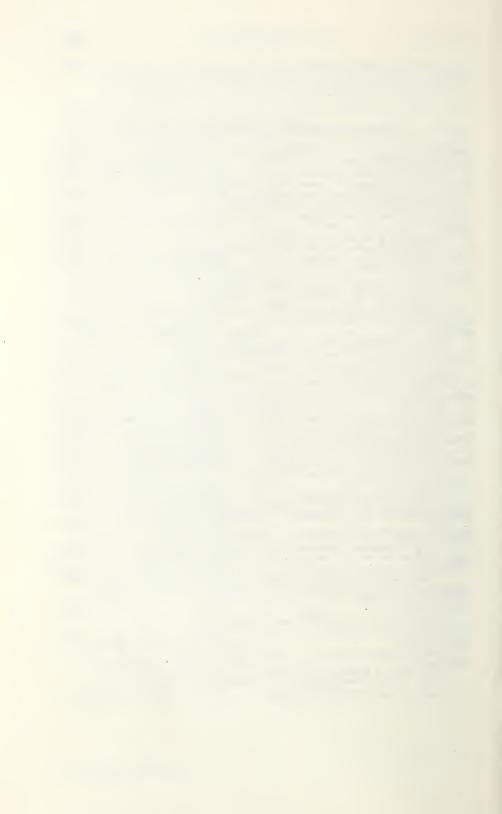
Ward's Anti-Pain Remedy was alleged to be misbranded in that certain statements, designs, and devices borne on the bottle label, falsely and fraudulently represented that it was effective in the treatment of lame back, rheumatism,

neuralgia, and lumbago.

On January 29, 1938, a plea of guilty was entered to counts 1 and 3 charging misbranding of the Cough Syrup and Improved Colic Remedy; and the court imposed a fine of \$25 on each of the said counts. On the same date a plea of nolo contendere was entered on the remaining counts; and the court imposed a fine of \$15 on each of these counts, making a total fine of \$80.

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MAR 25 1939

United States Department of Agriculture

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FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29451-29750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 27, 1938]

29451. Adulteration of candy. U. S. v. 4 Boxes, et al., of Candy (and seven similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43100 to 43103, inclusive, 43107, 43117, 43133 to 43137, inclusive, 43204, 43202, 43208 to 43212, inclusive, 43216, 43217, 43218, 43253. Sample Nos. 9284-D, 37618-D, 37742-D to 37745-D, inclusive, 37747-D, 37755-D to 37759-D, inclusive, 37809-D to 37816-D, inclusive, 37937-D, 37938-D, 37939-D.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

Between the dates of July 20, 1938, and August 16, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 73 boxes and cartons of candy at New Orleans, La., 76 boxes of candy at Tuscaloosa, Ala., and 149 boxes and cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce within the period from on or about June 2, 1937, to on or about May 16, 1938, that with the exception of 11 cartons of the product the shipments had been made by Mars, Inc., from Chicago, Ill.; and that the said 11 cartons had been shipped by the Hollywood Candy Co. from Davenport, Iowa; and charging that the article was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 8, 12, 13, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29452. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43327. Sample No. 26631-D.)

This product was infested with maggets.

On August 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of blue-berries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 6, 1938, from McAdoo, Pa., by Matsko's; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29453. Adulteration of blueberries. U. S. v. 38 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43307. Sample No. 26625-D.)

This product was infested with maggots.

On August 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 3, 1938, from St. Clair, Pa., by Spino; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29454. Adulteration of blueberries. U. S. v. 11 Crates and 11 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43369, 43787. Sample Nos. 26537-D, 26664-D.)

This product was infested with maggots.

On August 11 and 17, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 22 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 9 and 14, 1938, from Hazleton, Pa., by Paul La Buda; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29455. Adulteration of candy. U. S. v. 19 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43071. Sample No. 23873-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package, was at the time of examination found to

be insect-infested.

On July 16, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about June 25, 1937, by Primrose Candy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Candy Betty Candy Company New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29456. Adulteration of candy. U. S. v. 7 Cartons and 12 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43352, 43594. Sample Nos. 23928-D, 23957-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On or about August 17 and September 3, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 cartons and 12 boxes of candy at Houston, Tex.; alleging that the article had been shipped on or about February 17, 1938, by Chicago Candy Association (poolcar shipment) from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part

of a filthy vegetable substance.

On September 23 and October 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29457. Adulteration of candy. U. S. v. 10 Cartons and 12 Cartons of Candy. fault decrees of condemnation and destruction. (F. & D. Nos. 4 43595. Sample Nos. 23958-D, 37834-D.) (F. & D. Nos. 43248,

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 9 and September 6, 1938, the United States attorneys for the Northern District of Alabama and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 10 cartons of candy at Birmingham, Ala., and 12 cartons of candy at Houston, Tex.; alleging that the article had been shipped by Mason Au & Magenheimer Confectionery Manufacturing Co. from Brooklyn, N. Y., the former on or about October 27, 1937, and the latter on or about January 8, 1938; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12 and October 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29:458. Adulteration of candy. U. S. v. 47 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43223. Sample No. 37921-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 5, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 3, 1938, by Illinois Nut Products Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of candy. U. S. v. 28 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43224, Sample No. 37922-D.) 29459. Adulteration of candy. Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be

On August 5, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cartons of caudy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 3, 1938, by the D. L. Clark Co. from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29460. Adulteration and misbranding of candy. U. S. v. 9 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43454. Sample No. 23929-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package, was at the time of examination found to be insect-infested. Moreover, its label failed to bear a statement of the quantity of contents.

On or about August 23, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about February 11, 1938, by Hewett & Eckel from Durant, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

It was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On or about October 1, 1938, no claimant having appeared, judgment of con-

demnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29461. Adulteration of candy. U. S. v. 16 Cartons of Candy. Default decree of condemnation and destruction. (F. & D., No. 43547. Sample No. 25938-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to

be insect-infested.

On September 1, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about February 7, 1938, by Fenn Bros., Inc., from Sioux Falls, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On or about October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29462. Adulteration of candy. U. S. v. 2 Cases of Candy. Default decree of condemnation and destruction. (F. & D. No. 43845. Sample No. 30150-D.) Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be

insect-infested, stale, and to have a musty or rancid order.

On September 10, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of candy at Philadelphia, Pa., consigned by West Bros., Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, by West Bros. from Miami, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance. On October 3, 1938 no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29463. Adulteration of candy. U. S. v. 4 Cases of Candy. Default decree of condemnation and destruction. (F. & D. No. 43844. Sample No. 30149-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be

insect-infested, stale, and to have a musty or rancid odor.

On September 10, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of candy at Philadelphia, Pa., consigned by the Eli Witt Cigar Co., Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, from Miami, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On October 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29464. Adulteration and misbrauding of candy. U. S. v. 15 Cartons of Candy.

Default decree of condemnation and destruction. (F. & D. No. 43203.

Sample No. 37829-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested. It also failed to bear a net-weight statement.

On August 4, 1938, the United States attorney for the Northern District of

Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about December 30, 1937, by Elmer Candy Co., Inc., from New Orleans, La.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

It was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29465. Adulteration of cream. U. S. v. One 5-Gallon and One 10-Gallon Can of Cream. Default decree of 44151. Sample No. 41001-D.) Default decree of condemnation and destruction. (F. & D. No.

This product was filthy or decomposed, or both.

On July 19, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and one 10-gallon can of cream at Denver, Colo.; alleging that the article had been shipped in interstate commerce on or about July 17, 1938, in part by Alfred G. Davis from Montour, Idaho, and in part by Corbett Ice Cream Co. from Cheyenne, Wyo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy, decomposed, and putrid animal substance.

On July 20. 1938, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. M. L. Wilson, Acting Secretary of Agriculture.

29466. Adulteration of butter. U. S. v. 12 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 48793. Sample No. 26137–D.) Default decree of

This product contained less than 80 percent of milk fat.

On August 22, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about August 16, 1938, from Roanoke, Va., by Garst Bros. Dairy to New York, N. Y., and from there by truck to Jersey City, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act

of March 4, 1923.

On September 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29467. Adulteration of candy. U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43222. Sample No. 23914-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On or about August 6, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about February 23, 1938, by American Candy Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29468. Adulteration and misbranding of dog food. U. S. v. 211 Cases of Dog Food. Default decree of condemnation and destruction. (F. & D. No. 42906. Sample No. 24367-D.)

This product was deficient in protein and contained added water.

On June 10, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 211 cases of dog food at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, by the Banner Packing Co., of Des Moines, Iowa, from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Cross Dog Food * * * General Laboratories, Inc., Des Moines, Iowa."

Adulteration was alleged in that a substance deficient in protein and containing added water had been substituted in whole or in part for the article.

Misbranding was alleged in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of approximately 75 percent water and which contained only 7.74 percent of protein: "** * it Is everything—it Has everything I need." This wholesome food is correctly balanced for the feeding of dogs and cats. Contains only red muscle meat from beef and horse—combined with bone, bone marrow, parts of wheat, soya flour, rolled oats, carrots, with salt, potassium iodide, cod liver oil and charcoal added. Guaranteed Analysis Crude Protein (Min.) 12%."

On August 18, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29469. Adulteration of candy. U. S. v. 17 and 13 Cartons of Candy (and two similar setzure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43030, 43265, 43266, 43338. Sample Nos. 23966-A, 37830-D, 37831-D, 37936-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages was, at the time of examination, found to

be insect-infested.

On July 8 and August 9 and 17, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 17 boxes of candy at New Orleans, La., and 52 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in various lots on or about February 9, March 10, and May 18, 1938, by Bunte Bros. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12, 21, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29470. Adulteration of candy. U. S. v. 13 Cartons of Candy, et al. Default decree of condemnation and destruction. (F. & D. Nos. 43249, 43250, 43251. Sample Nos. 37835–D to 37837–D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 9, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 4, 1938, by Keppel & Ruof, Inc., from Lancaster, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson. Acting Secretary of Agriculture.

29471. Adulteration of candy. U. S. v. 14 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42988. Sample No. 16256-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages was, at the time of examination, found to

contain weevils and larvae.

On June 28, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 4, 1938, by Schall Candy Co. from Clinton, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29472. Adulteration of candy. U. S. v. 12 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42998. Sample No. 23965–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original unbroken packages was, at the time of examination,

found to be insect-infested.

On June 30, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of candy at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about March 9, 1938, by the Newton Products Co. from Cincinnati, Ohio: and charging adulteration in violation of the Food and Druss Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29473. Adulteration and misbranding of blended whisky. U. S. v. 54 Cases and 1 Case of Alleged Seagram's Five Crown Whisky (and one similar scizure action). Default decrees of condemnation and destruction. (F. & D. No. 37514. Sample Nos. 69106-B to 69114-B, inclusive.)

This product was falsely labeled with respect to the age of the straight whisky in the blend, also with respect to the brand and name and address

of the manufacturer.

On April 17, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots, containing a total of 259 cases of blended whisky, at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about March 11, 1935, from Baltimore, Md., by a person or persons unknown; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that one lot purported to contain 33½ percent, and the other lot purported to contain 20 percent of 4-year-old whisky; whereas the straight whisky in fact contained therein was considerably

less than 4 years old and had been treated by an artificial aging process.

Misbranding was alleged in that the statements, (front labels) "Seagram's Seven [or "Five"] Crown Blended Whiskey * * * Blended and Bottled By Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind."; (back label) "The

Straight Whiskey in This Product is 4 Years Old Thirty-Three And One Third [or "Twenty"] Percent Straight Whiskey," were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not Seagram's Seven (or Five) Crown Blended Whiskey, which was not manufactured by Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind., and in which the straight whisky was considerably less than 4 years old and had been treated by an artificial aging process. Misbranding was alleged further in that the product was an imitation of and was offered for sale under the distinctive name of another article, since the straight whisky contained in the blend was considerably less than 4 years old and had been treated by an artificial aging process, and since it was not Seagram's Whiskey and had not been manufactured by Joseph E. Seagram & Sons, Inc, Lawrenceburg, Ind.

On July 7, 1938, a claim for the goods having been filed on behalf of the owner, but having been subsequently withdrawn, judgments of condemnation were entered and the product was ordered delivered to the Secretary of the

Treasury for disposition in accordance with law.

M. L. Wilson, Acting Secretary of Agriculture.

29474. Adulteration of candy. U. S. v. 11 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43226. Sample No. 37923-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 6, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 17, 1938, by Paul F. Beich Co. from Bloomington, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29475. Adulteration of candy. U. S. v. 6 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43205. Sample No. 37824-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 4, 1938, the United States attorney for the Northen District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by Luden's, Inc., from Reading, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29476. Adulteration of butter. U. S. v. American Dairy Co. of Evansville, Inc. Plea of guilty. Fine, \$25. (F. & D. No. 42555. Sample Nos. 21737-D, 21767-D.)

This product contained less than 80 percent of milk fat.

On August 26, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Dairy Co. of Evansville, Inc., at Evansville, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about April 14 and May 11, 1938, from the State of Indiana into the State of Illinois of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On September 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 without costs.

M. L. Wilson, Acting Secretary of Agriculture.

29477. Adulteration and misbranding of whitefish caviar. U. S. v. 66 Jars of Whitefish Caviar (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42413, 42420 to 42423, inclusive. Sample Nos. 21242-D to 21245-D, inclusive, 21515.)

Samples of this product were found to contain parasitic worms, fish scales, and nondescript tissues. The 1-pound and 4-ounce jars were short weight.

On May 17 and 18, 1938, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 191 various sized jars of caviar at Detroit, Mich.; alleging that the article had been shipped in interstate commerce within the period from on or about February 1, 1938, to on or about April 11, 1938, by Romanoff Caviar Co. from New York, N. Y.: and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar * Packed By Hansen Caviar Co."

It was alleged to be adulterated in that it consisted in whole or in part of

a filthy animal substance.

A portion of the article was alleged to be misbranded in that the statements, "16 Oz. Net" and "4 Oz. Net," on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On September 13, 1938, no claimant having appeared, judgments of con-

demnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29478. Adulteration of wheat. U. S. v. 20 Bags of Wheat. Default decree of condemnation and destruction. (F. & D. No. 42458. Sample No. 22846-D.)

This product contained an excessive amount of copper.

On May 25, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bags of wheat at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, by Kerr Gifford & Co. from Hay, Wash.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added

deleterious ingredient, copper, which might have rendered it injurious to health. On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29479. Misbranding of canned tomatoes with puree from trimmings. U. S. v. 212 Cases of Tomatoes. Consent decree of condemnation with provision for release under bond. (F. & D. No. 42907. Sample Nos. 23480-D,

This product fell below the standard established by this Department because the fruit units did not consist of whole or large pieces, and it was not labeled to

indicate that it was substandard.

On June 23, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of canned tomatoes with puree from trimmings at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about March 5, 1938, by California Conserving Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Alameda Brand Tomatoes With Puree From Trimmings * * * Packed by California Conserving Co."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit units did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the

Secretary indicating that it fell below such standard.

On or about September 1, 1938, the California Conserving Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided, however, that the product might be released under bond conditioned that it not be sold or disposed of contrary to law.

M. L. Wilson, Acting Secretary of Agriculture.

29480. Misbranding of malt food drink. U. S. v. 40 Cases of Malt Food Drink.

Default decree of condemnation and destruction. (F. & D. No. 43088.

Sample No. 25708-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; but in fact it contained but a small amount of, if any, malted milk.

On July 19, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of malt food drink at Long Island City, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 20, 1938, by the Manhattan Pure Foods Co. from Newark, N. J.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manhattan Sweetened Chocolate * * Malt Food Drink."

Misbranding was alleged in that the statements on the label, "Sweetened Chocolate Malt Food Drink * * * Contains * * * Pure Malted Drink * * Guaranteed as a 100% pure food which meets all pure food law requirements," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted essentially of sugar, cocoa, malt, and a very small amount of, if any, malted milk.

On September 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29481. Adulteration and misbranding of flour. U. S. v. 149 Sacks of Flour. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43767. Sample No. 36052-D.)

This product was bleached flour and the fact that it was bleached was not stated on the label.

On September 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 sacks of flour at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about August 20, 1938, by Pillsbury Flour Mills Co. from Astoria, Oreg.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury's Extra Fancy Sno-Sheen Cake Flour Matured With Beta Chlora."

The article was alleged to be adulterated in that bleached flour had been sub-

stituted wholly or in part for the article.

Misbranding was alleged in that the statement "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached. Misbranding was alleged further in that it was labeled and branded so as to deceive and mislead the purchaser since the label failed to bear a conspicuous statement indicating that the flour was bleached.

On September 22, 1938, the Pillsbury Flour Mills Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform to the requirements

of the law.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43366. Sample No. 38005-D.) 29482. Adulteration of flour. Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of investigation insect-infested. On August 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bags of flour at

New Orleans, La.; alleging that the article had been shipped on or about June 15, 1938, by the Newton Milling & Elevator Co. from Blackwell, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Meridian Flour Bleached."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29483. Adulteration of candy. U. S. v. 20 Cartons of Candy (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43185, 43254, 43255, 43256, 43298. Sample Nos. 23680-D, 37838-D, 37839-D, 37840-D, 37931-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages was, at the time of examination, found to be insect infected.

On August 6, 9, and 12, 1938, the United States attorneys for the Western District of Louisiana and the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 20 cartons of candy at Monroe, La., and 48 cartons and 17 boxes of candy at Birmingham, Ala.; alleging that the article had been shipped in various shipments on or about September 21, 25, 29, and October 20, 1937, and June 7, 1938, by the Schutter Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part

of a filthy vegetable substance.

On September 12 and 13 and October 6, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29484. Adulteration of candy. U. S. v. 22 Cartons of Candy (and two other scizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43206, 43258, 43259, 43289, 43290. Sample Nos. 23917–D, 37924–D, 37925–D, 37932–D, 37933–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages was, at the time of examination found to be insect-infested.

On or about August 5, 10, and 12, 1938, the United States attorneys for the Southern District of Texas and the Northern District of Alabama, filed in their respective district courts libels praying seizure and condemnation of 22 cartons of candy at Houston, Tex., and 55 cartons at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on various dates from September 20, 1937, to June 16, 1938, by Bobs Candy & Pecan Co. from Albany, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 10 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29485. Adulteration of candy. U. S. v. 14 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43214. Sample No. 23916-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested and to contain rodent excreta.

On August 8, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about June 8, 1938, from Little Rock, Ark., by A. Karcher Candy Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29486. Adulteration of eandy. U. S. v. 7½ Cartons and 6½ Cartons of Candy.

Default decree of condemnation and destruction. (F. & D. Nos. 43041.
43042. Sample Nos. 23864-D, 23865-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found

to be insect-infested.

On July 8, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about July 2, 1937, by Sperry Candy Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29487. Adulteration of salted peanuts. U. S. v. 34 Cartons of Nut Meats. Default decree of condemnation and destruction. (F. & D. No. 43184. Sample No. 23911–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to

be insect-infested.

On August 2, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cartons of nut meats at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about November 8, 1937, by Queen Anne Candy Co. from Hammond, Ind.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29488. Adulteration of eardy. U. S. v. 13 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43213. Sample No. 23915-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found

to be insect-infested.

On or about August 8, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about June 8, 1938, from Brooklyn, N. Y., by Pioneer Specialty Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29489. Misbranding of canned cherries. U. S. v. 31 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 42902, Sample No. 27298–D.)

This product fell below the standard established by this Department because it contained excess packing medium, and it was not labeled to indicate that it was substandard.

On July 15, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of canned cherries at Bozeman, Mont.; alleging that the article had been shipped in interstate commerce on or about July 26, 1937, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article

was labeled in part: "Coeur d'Alene Brand Red Sour Pitted Cherries Packed

in Water Seiter's, Inc. Coeur D'Alene, Idaho."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 14, 1938, no claimant having appeared, judgment of condem-

nation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29490. Misbranding of canned cherries. U. S. v. 139 Cases of Canned Cherries. Consent decree of condemnation with provision for release under bond for relabeling. (F. & D. No. 43189. Sample No. 27540-D.)

This product, having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be below the standard of fill of container prescribed by regulation of this

Department.

On August 17, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 cases of canned cherries at Casper. Wyo.; alleging that the article had been shipped on or about February 10, 1938, by the Varney Canning Co., Inc., from Roy, Utah; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Leota Brand * * * Pitted Cherries Varney Canning Inc., Roy Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its label did not bear a plain and conspicuous statement indicating that

it fell below such standard.

On September 14, 1938, the Varney Canning Co., Inc., Roy, Utah, and the Wyoming Grocery Co., Casper, Wyo., claimants, having consented to the entry of a decree, judgment of condemnation was entered, with provision that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29491. Adulteration of butter. U. S. v. 290 Tubs of Butter. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 42930. Sample No. 16788-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

contain less than 80 percent of milk fat.

On or about June 8, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 tubs of butter at Buffalo, N. Y.; alleging that the article had been shipped by Swift & Co. from Muskogee, Okla., on or about May 7, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March

4, 1923.

On June 30, 1938, Swift & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

M. L. Wilson, Acting Secretary of Agriculture.

29492. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43141. Sample No. 19589-D.)

This product contained less than 80 percent of milk fat.

On July 11, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 tubs of butter at Duluth, Minn.; alleging that the article had been shipped in interstate commerce on or about June 25, 1938, by Farmers Union Cooperative Creamery from Portland, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act

of March 4, 1923.

On July 29, 1938, Land O'Lakes Creamery, Inc., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29493. Adulteration of blueberries. U. S. v. 2 Crates and 1 Crate of Blueberries.

Default decree of condemnation and destruction. (F. & D. No. 43506. Sample No. 26538-D.)

This product was infested with maggots.

On August 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by J. J. Gulick from Shenandoah, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, Judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29494. Adulteration of peanuts. U. S. v. 120 Bags of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 43277. Sample No. 9214-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested, shriveled, moldy, rancid, and dirty.

On or about August 10, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bags of peanuts at Houston, Tex.; alleging that the article had been shipped on or about July 5, 1938, by the Alabama Gin & Peanut Co. from Samson, Ala.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29495. Adulteration and misbranding of noodles. U. S. v. 20 Cases of Noodles. Default decree of condemnation and destruction. (F. & D. No. 43190, Sample No. 23069–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original unbroken packages, was found at the time of examination to be deficient in egg, to contain added coal-tar color, and to be short weight.

On August 3, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court **a** libel praying seizure and condemnation of 20 cases of noodles at Lewiston, Idaho; alleging that the article had been shipped by the Coast Food Products, Inc., from Seattle, Wash., on or about May 9, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oriental Maid Coast Food Products Seattle Fresh Egg Noodles."

Adulteration was alleged in that an artificially colored product deficient in eggs had been substituted wholly or in part for egg noodles, which it purported to be; and in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements "Egg Noodles" and "8 ounces," borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in egg, contained added coal-tar color, and was short weight.

On August 31, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

29496. Adulteration of grits. U. S. v. 35 Sacks of Grits. Default decree of condemnation and destruction. (F. & D. No. 43199. Sample No. 27605-D.) Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original unbroken packages, was found at the time of the

examination to be insect-infested.

On August 4, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 sacks of grits at St. Louis, Mo.; alleging that the article had been shipped by the Baltic Mills Co. from Vincennes, Ind., on or about May 3, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.
On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29497. Adulteration of buckwheat flour. U. S. v. 201 Sacks of Buckwheat Flour. Default decree of condemnation and destruction. (F. & D. No. 43264. Sample No. 24429-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On August 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 sacks of buckwheat flour at St. Louis, Mo.; alleging that the article had been shipped by the Larrowe Buckwheat Flour Corporation from Cohocton, N. Y.; on or about December 31, 1937, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29498. Adulteration of corn flour. U. S. v. 39 Sacks of Corn Flour. Default decree of condemnation and destruction. (F. & D. No. 43263. Sample No. 24428-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 sacks of corn flour at St. Louis, Mo.; alleging that the article had been shipped by the Decatur Milling Co. from Decatur, Ill., on or about July 8, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

Default decree of condemnation and destruction. (F. & D. No. 48221. Sample No. 15062-D.) 29499. Adulteration of canned cherries. U. S. v. 25 Cases of Canned Cherries.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of the examination found to be

moldy and decomposed.

On August 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned cherries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 23, 1938, by the Western Oregon Packing Corporation from Corvallis, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mountainview Brand Royal Anne Cherries."

Adulteration was alleged in that the article consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 20, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29500. Adulteration and misbranding of raspberry extract. U. S. v. 7 Gallon Jugs of Raspberry Extract. Default decree of condemnation and destruction. (F. & D. No. 43162. Sample No. 14643-D.)

This product contained beta-ionone, a synthetic chemical flavor not found in

raspberries.

On August 1, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 gallon jugs of raspberry extract at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about June 9 and June 30, 1938, by H. Kohnstamm & Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Atlas Flavors H. Kohnstamm & Co., Inc., New York Chicago."

Adulteration was alleged in that a substance containing beta-ionone, a synthetic chemical flavor, had been substituted wholly or in part for the article and in that

it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Genuine fruit raspberry extract concentrated" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing beta-ionone, a synthetic chemical flavor. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 19, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29501. Adulteration of flour. U. S. v. 74 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43287. Sample No. 37935-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of the examination found

to be insect-infested.

On August 11, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 bags of flour at Birmingham, Ala.; alleging that the article had been shipped on or about June 28, 1938, by the Larabee Flour Mills Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Airy Fairy the New Improved Cake Flour."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29502. Adulteration of flour. U. S. v. 52 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43110. Sample No. 38003-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of the examination found to be insect-infested.

On August 15, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about July 8, 1938, by the New Era Milling Co. from Arkansas City, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Stalwart Strong First Clear Flour."

Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29503. Adulteration of sausage flour. U. S. v. 2 Barrels of Sausage Flour. Default decree of condemnation and destruction. (F. & D. No. 43376. Sample No. 38009-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was insect-infested at the time of shipment.

On August 20, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of sausage flour at New Orleans, La.; alleging that the article had been shipped on or about April 16, 1938, by Armour & Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Armour's * * * Sausage Flour."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29504. Adulteration of rolled oats. U. S. v. 7 Eags of Rolled Oats. Default decree of condemnation and destruction. (F. & D. No. 43410. Sample No. 38012-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of investigation to be insect-infested.

On August 20, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven bags of rolled oats at New Orleans, La.; alleging that the article had been shipped on or about July 15, 1938, by the Northern Oats Co. from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Northern Rolled Oats."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29505. Adulteration of flour. U. S. v. 350 Bags of Flour. Consent decree of condemnation. Product released under bond for uses other than human food. (F. & D. No. 43927. Sample No. 38144-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 20, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 bags of flour at Mobile, Ala., consigned by the Preston-Shaffer Milling Co., Waitsburg, Wash.; alleging that the article had been shipped in part on or about May 26, 1938, from Portland, Oreg., and in part on or about June 2, 1938, from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Special Clear Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 21, 1938, the Merchants Co., Jackson, Miss., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of for consumption as animal feed, or for some purpose other than human consumption.

M. L. Wilson, Acting Secretary of Agriculture.

29506. Adulteration of flour. U. S. v. 12 Sacks, et al., of Flour. Default decree of condemnation and destruction. (F. & D. No. 43358. Sample Nos. 27613-D, 27614-D, 27615-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 18, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 221 sacks of flour at North Little Rock, Ark.; alleging that the article had been shipped on or about May 4, 1938, by the Kansas Milling Co. from Wichita, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Wichita's Best Finest Short Patent Flour"; "Golden Seal Fancy Patent Flour Bleached"; "Full Value Flour * * Bleached." Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.

On September 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29507. Adulteration of flour. U. S. v. 250 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43066. Sample No. 23990-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On July 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about May 21, 1938, by the Fant Milling Co. from Sherman, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Elefant * * * Wheat Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29508. Adulteration of flour. U. S. v. 180 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43085. Sample No. 37612-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On July 19, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about June 6, 1938, by Ismert-Hincke Milling Co., Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bleached I-H Thunderbolt Flour."

Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29509. Adulteration of flour. U. S. v. 225 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43086. Sample No. 37613-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On July 19, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about May 21, 1938, by the Red Wing Milling Co., of Red Wing, Minn., from St. Paul, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hard Wheat Flour Gopher Brand Cream of West."

Adulteration was alleged in that the article consisted wholly or in part

of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29510. Adulteration and misbranding of oysters. U. S. v. Joseph Cobb Lore, Joseph Cobb Lore, Jr., and Gordon Ira Rupert Lore (trading as J. C. Lore & Sons). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 40804. Sample Nos. 65551-C, 65554-C, 65555-C.)

This product contained excessive moisture and was short of the declared volume.

On June 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Cobb Lore, Joseph Cobb Lore, Jr., and Gordon Ira Rupert Lore, trading as J. C. Lore & Sons at Solomons, Md., alleging shipment by said defendants on or about November 17, 1937, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated and misbranded in violation of the Food and Drugs Act as amended; and delivery on or about November 21, 1937, for shipment from the State of Maryland into the State of Pennsylvania of quantities of oysters which were also adulterated and misbranded in violation of said act.

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength, and had

been substituted wholly or in part for the article.

Misbranding was alleged in that the statement "One Pint Net," borne on the can, was false and misleading and was borne on said can so as to deceive and mislead the purchaser, since the cans contained less than 1 pint net.

On September 23, 1938, pleas of guilty were entered on behalf of the defend-

ants and the court imposed a fine of \$25 and costs.

M. L. Wilson, Acting Secretary of Agriculture.

29511. Adulteration of apple butter. U. S. v. 31 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42959. Sample No. 29916-D.)

This product contained rodent hairs, insects, and insect fragments.

On June 20, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of apple butter at Camden, N. J.; alleging that the article had been shipped in interstate commerce on or about May 18, 1938, by Adams Apple Products Corporation from Aspers, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Adams Apple Brand Apple Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On September 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29512. Adulteration of candy. U. S. v. 23 Cartons, et al., of Candy (and nine other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43242, 43243, 43244, 43319, 43320, 43321, 43375, 43381, 43382, 43383, 43535, 43536, 43537, 43548. Sample Nos. 23930-D, 23931-D, 23932-D, 23936-D, 23954-D, 23955-D, 23956-D, 37816-D, 37817-D, 37818-D, 37940-D, 37943-D, 37944-D, 37955-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examining found to

be insect-infested.

On August 6, 9, 16, and 20, 1938, the United States attorneys for the Northern District of Alabama and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 171 cartons of candy at Birmingham, Ala., and 67 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates between February 9 and May 19, 1938, in part by Hollywood Candy Co. from Minneapolis, Minn., and from Centralia, III., in part by Charles N. Miller Co., from Boston, Mass., and in part by the Euclid Candy Co., from Brooklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On or about September 14, 21, 23, and 29, October 6, and December 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

29513. Adulteration of candy. U. S. v. 17 Boxes of Candy (and five similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43216, 43285, 43741, 43742, 43804, 43805. Sample Nos. 9285-D, 23939-D, 37828-D, 38246-D, 38247-D, 38248-D.)

This product having been shipped in interstate commerce and remaining in the original unbroken packages, was at the time of examination found to

be insect-infested.

On or about August 6, August 11, September 8, and September 14, 1938, the United States attorneys for the Northern District of Alabama, the Southern District of Texas, and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 17 cartons of candy at Birmingham, Ala., 60 boxes of candy at Houston, Tex., and 15 cartons of candy at New Orleans, La.; alleging that the lots at Birmingham, Ala., and Houston Tex., had been shipped in the period from on or about May 13, 1938, to on or about August 13, 1938, by the Elmer Candy Co. from New Orleans, La., and that the lot at New Orleans, La., had been shipped on or about August 2, 1938, by Jos. Werner Co. from Springfield, Ill., to the Elmer Candy Co., New Orleans, La. (having been returned to the manufacturer by the said Jos. Werner Co.); and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On or about September 12, September 29, October 20, and October 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29514. Adulteration of candy. U. S. v. 9 Cartons and 39 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43055, 43702. Sample Nos. 23960-D, 23976-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On or about July 12 and September 7, 1938, the United States attorneys for the Eastern District of Louisiana and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 9 cartons of candy at New Orleans, La., and 39 cartons at Houston, Tex.; alleging that the article had been shipped in interstate commerce by the Ucanco Candy Co., Davenport, Iowa, in part on or about March 7, 1938, and in part on or about May 17, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy vegetable substance.

On or about September 29 and October 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29515. Adulteration of candy. U. S. v. 30 Boxes of Candy (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43837, 43876. Sample Nos. 13631-D to 13665-D, inclusive, 24899-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On September 13 and 15, 1938, the United States attorneys for the Eastern District of South Carolina and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 30 boxes of candy at Columbia, S. C., and 65 boxes of candy at Griffin, Ga.; alleging that the article had been shipped by D'Orlando & Co., Inc., from Boston, Mass., in part on or about October 14, 1937, and in part on or about June 2, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy vegetable substance.

On October 10 and 14, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

29516. Adulteration of candy. U. S. v. 29 Boxes and 6 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43877, 43884. Sample Nos. 13636-D, 13644-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On September 14 and 15, 1938, the United States attorneys for the Northern District of Georgia and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 29 boxes of candy at Griffin, Ga., and 6 boxes of candy at Charleston, S. C.; alleging that the article had been shipped by the Brock Candy Co. from Chattanooga, Tenn., the former on or about October 15, 1936, and the latter on or about September 23, 1937; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy vegetable substance.

On October 10 and 14, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29517. Adulteration of candy. U. S. v. 14 Cartons and 34 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43373, 43374. Sample Nos. 37953-D, 37954-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 19, 1938, the United States attorney for the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in part by the Williamson Candy Co. from Chicago, Ill., on or about October 29, 1937, and in part by the Paul F. Beich Co. from Bloomington, Ill., on or about February 23 and June 13, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29518. Adulteration of candy. U. S. v. 14½ Cartons of Candy (and three other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43215, 43239, 43525, 43916, 43917, 43918. Sample Nos. 13615-D, 13616-D, 13621-D, 23834-D, 23833-D, 23838-D, 37825-D, 57826-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 5, 9, and 29, and September 26, 1938, the United States attorneys for the Northern District of Alabama, the Northern District of Georgia and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 17½ cartons of candy at Birmingham, Ala., 73 cartons at Dallas, Tex., and 39 boxes at Newman, Ga.; alleging that the article had been shipped on various dates between June 21, 1937, and February 10, 1938, by Curtiss Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8, 12, and 24, and October 3, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29519. Adulteration of candy. U. S. v. 11 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43803. Sample No. 25697-D.)

This product having been shipped in interstate commerce and remaining unsold in the original packages, was at the time of examination found to be moldy and to have a strong rancid odor.

On September 9, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of candy at Newark, N. J.; alleging that the article had been shipped on or about June 13, 1938, from Brooklyn, N. Y., by the Metro Chocolate Co., Inc. (subsidiary of Osfer Sales Co.); and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy, decomposed, and putrid vegetable substance.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29520. Adulteration of candy. U. S. v. 23 Cartons and 14 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 42322, 43186. Sample Nos. 23613-D, 23679-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested. Samples from one lot also were found to contain rodent hairs

and excreta and miscellaneous dirt.

On May 6 and August 6, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 packages of candy at Monroe, La.; alleging that the article had been shipped in part on or about April 8 and June 15, 1938, by Salvo & Berdon Candy Co. from Natchez, Miss.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29521. Adulteration of candy. U. S. v. 7 Boxes of Candy (and one other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43860, 43861. Sample Nos. 13641-D, 29126-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 12 and September 14, 1938, the United States attorneys for the Northern and the Southern Districts of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 7 boxes of candy at Marietta, Ga., and 12 boxes of candy at Savannah, Ga.; alleging that the article had been shipped by Keppel & Ruof, Inc., from Lancaster, Pa., the former lot on or about November 6, 1935, and the latter on or about February 9, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a

filthy vegetable substance.

On October 10 and October 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29522. Adulteration of candy. U. S. v. 25 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43276. Sample No. 23683-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 10, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of candy at New Orleans, La.; alleging that the article had been shipped on or about March 24, 1938, by Peter Paul, Inc., from Naugatuck, Conn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy and decomposed vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29523. Adulteration of candy. U. S. v. 12 Cartons, et al., of Candy (and three other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43207, 43225, 43245, 43246, 43247, 43887. Sample Nos. 18645-D, 37819-D to 37823-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 5, 6, and 9, and September 15, 1938, the United States attorneys for the Northern District of Alabama and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 82 cartons of candy at Birmingham, Ala., and 29 boxes of candy at Charleston, S. C., alleging that the article had been shipped in interstate commerce in the period from on or about October 4, 1937, to on or about March 8, 1938, by Brach's Candy Specialties Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8 and 12, and October 14, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29524. Adulteration of candy. U. S. v. 14 Cartons and 4½ Cartons of Candy (and three other scizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 48228, 48229, 48339, 48340, 43341, 43911, 43912. Sample Nos. 28836-D, 28837-D, 37832-D, 87833-D, 37941-D, 37942-D, 37950-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On August 6 and 17 and September 26, 1938, the United States attorneys for the Northern District of Alabama and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 53½ cartons of candy at Birmingham, Ala., and 19 cartons of candy at Dallas, Tex.; alleging that the article had been shipped in interstate commerce on various dates between August 5, 1937, and March 11, 1938, by the Walter H. Johnson Candy Co. and Schutter Candy Co. from Chicago, Ill., and Keppel & Ruof, Inc., from Lancaster, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 12, 21, and 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29525. Adulteration of candy. U. S. v. 12 Cartons of Candy (and one other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43257, 43948, 43949, 43950. Sample Nos. 37929-D, 49641-D to 49643-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 9 and September 26, 1938, the United States attorneys for the Northern District of Alabama and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cartons of candy at Birmingham, Ala., and 72 cartons of candy at Dallas, Tex.; alleging that the article had been shipped in interstate commerce in various shipments on or about March 22, June 23, and September 7, 1938 (apparently last-named date should be July 7, 1938), by Williamson Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a

filthy vegetable substance.

On September 12 and October 3, 1938, no appearance having been made in the case instituted in the Northern District of Alabama, and the Williamson Candy Co. having appeared and admitted the allegations of the libel filed in the case instituted in the Northern District of Texas, and having consented to the entry of a decree therein, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29526. Adulteration of flour and corn meal. U. S. v. 114 Sacks and 43 Sacks of Flour (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43312, 43313, 43323, 43324. Sample Nos. 27616-D, 27617-D, 27620-D, 38401-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages, were at the time of examination found

to be insect-infested.

On August 16, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 317 sacks of flour and 196 sacks of corn meal at North Little Rock, Ark.; alleging that the articles had been shipped on various dates on or about March 26, April 15, and July 15, 1938, by the Quaker Oats Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Mother's Flour Bleached"; "Aunt Jemima Soft Wheat Flour"; "Sea Breeze Cream Corn Meal"; "Lark Flour Bleached."

The articles were alleged to be adulterated in that they consisted wholly

or in part of filthy vegetable substances.

On September 27, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29527. Adulteration of maple sirup. U. S. v. 80 Drums of Maple Sirup (and two similar seizure actions). Consent decrees of condemnation. Product released under bond to be deleaded. (F. & D. Nos. 42344, 42366, 42384. Sample Nos. 8125-D, 14196-D, 14258-D.)

Samples of this product were found to contain lead.

On May 9, 12, and 13, 1938, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 171 drums of maple sirup at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 25, 27, and 30, 1938, by H. E. Franklin in various shipments from Lyndonville, Barton, and Cambridge Junction, Vt.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it in-

jurious to health.

On July 19, 1938, Fred Fear & Co., Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that those drums containing sirup free from contamination be segregated from those containing sirup contaminated with lead and that the latter be reconditioned in order to remove the lead content.

M. L. Wilson, Acting Secretary of Agriculture.

29528. Adulteration of apple butter. U. S. v. 84 Pails, 5 Pails, and 124 Pails of Apple Butter. Default decree of condemnation and destruction. (F. & D. Nos. 43608 to 43610, inclusive. Sample Nos. 12879-D, 26701-D, 26703-D.)

This product contained insect fragments and rodent hairs. In addition, one

lot (five pails) contained excessive lead.

On September 1, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying selzure and condemnation of 213 pails of apple butter in various lots at Orangeburg, Middletown, and Wingdale, N. Y., respectively; alleging that the article had been shipped in interstate commerce in the period from on or about July 6, 1938, to on or about July 23, 1938, by the Adams Apple Products Corporation from Aspers, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Adams Apple Brand * * * Apple Butter." Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance, and in that one lot (5 pails) contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On September 21, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29529. Adulteration of flour. U. S. v. 217 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43138, Sample No. 37753-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On July 27, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 217 bags of flour at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about June 1 and 23, 1938, by Canadian Mill & Elevator Co. from El Reno, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Super Silver Flour."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29530. Adulteration of flour. U. S. v. 97 Sacks of Flour (and one other scizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43759, 43834. Sample Nos. 38468-D, 38469-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination, found to

be insect-infested.

On September 8 and 10, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 168 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped on various dates between April 7 and July 14, 1938, by Weatherford Milling Co., Inc., from El Reno, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Diamond C Quality" or "Silver Wave Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29531. Adulteration of flour. U. S. v. 40 Barrels of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 43439, 43440. Sample Nos. 38013-D, 38014-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On August 22, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 barrels of flour at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, by Independent Casing Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Independent Casing Co. Special Hereford Flour."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29532. Adulteration of flour. U. S. v. 337 Sacks and 32 Sacks of Flour. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 43462, 43463. Sample Nos. 38426-D, 38427-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 24, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 369 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in interstate commerce in part on or about May 21, 1938, by the Okeene Milling Co. from Okeene Okla., and in part on or about July 16, 1938, by Morrison Milling Co. from Denton, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 22, 1938, the Globe Grain & Milling Co., Little Rock, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of this Department for the purpose of preventing its being used for human consumption.

M. L. WILSON, Acting Secretary of Agriculture.

29333. Adulteration of candy. U. S. v. 9 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43526. Sample No. 38112-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 27, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine carton of candy at Mobile, Ala.; alleging that the article had been shipped on or about May 4, 1938, by John H. Dockman & Son, Inc., from Baltimore, Md.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29534. Adulteration of candy. U. S. v. 9 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 48450. Sample No. 23691-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 24, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of candy at Mobile, Ala.; alleging that the article had been shipped on or about January 29, 1938, by Peter Paul, Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29535. Adulteration of candy. U. S. v. 22 Boxes and 8 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43808, 43809. Sample Nos. 38129-D, 38131-D.)

Thi sproduct having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 boxes of candy at Mobile, Ala.; alleging that the article had been shipped in part on or about

January 31, 1938, and in part on or about February 23, 1938, by W. F. Schrafft & Sons Corporation from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On October 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29536. Adulteration of flour. U. S. v. 32 Bags and 20 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43881, 43882. Sample Nos. 33960-D, 33961-D.)

Sample Nos. 33960-D, 33961-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On September 13, 1938, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 bags of flour at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about July 30, 1938, by Ralston Purina Co. from Battle Creek, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Purina Whole Wheat Flour, Ralston Purina Company, St. Louis, Mo."

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On October 14, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29537. Adulteration of flour. U. S. v. 30 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43311. Sample No. 38001-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 16, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bags of flour at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 27, 1938, by Ballard & Ballard from Nashville, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bleached Dorothy Perkins Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29538. Misbranding of honey. U. S. v. 21 Cases of Honey. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. No. 42985. Sample No. 28967–D.)

This product was short weight.

On June 29, 1938, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of honey at Spartanburg, S. C.; alleging that the article had been shipped in interstate commerce on or about June 3, 1938, by F. R. Jordan from Wilmington, N. C.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Carolina Honey Net wt. 20 oz."

The article was alleged to be misbranded in that the statement "Net Wt. 20 Oz." was false and misleading and tended to deceive and mislead the purchaser since the jars did not contain 20 ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct and was

not stated in terms of the largest unit.

On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be removed and the product delivered to a charitable organization.

29539. Adulteration and misbranding of lime and lemon juices. U. S. v. 7 Cases and 19 Cases of Lime Juice and 6 Cases and 16½ Cases of Lemon Juice. Default decree of condemnation and destruction. (F. & D. Nos. 42919, 42920. Sample Nos. 15198–D, 15200–D.)

These products were labeled to indicate that they were lime juice and lemon juice, respectively; whereas they were imitation lime or lemon juices consist-

ing of water, fruit juice, added acid, and citrus oils.

On June 14, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of lime Juice and 22½ cases of lemon juice at Seattle, Wash.; alleging that the articles had been shipped in interstate commerce on or about November 16 and 19, 1935, by Snow Crest, Inc., from Salem, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Snow Crest DeLuxe Lime [or "Lemon"] Juice." The designations "Lime Juice" and "Lemon Juice" were prominently displayed. The labels also bore the statements in smaller and less conspicuous type, "Pure Lime [or "Lemon"] Juice Blended with Oil of Lime [or "Lemon"] & Fruit Acid."

The articles were alleged to be adulterated in that an imitation lime (or lemon) juice, consisting of water, lime (or lemon) juice, added acid, and added citrus oils, had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted wholly or in part for the articles; and in that they had been mixed in a manner whereby their

inferiority was concealed.

Misbranding was alleged in that the statements, "DeLuxe Lime [or "Lemon"] Juice Pure Lime [or "Lemon"] Juice Blended with oil of Lime [or "Lemon"] and Fruit Acid," were false and misleading and tended to deceive and mislead the purchaser when applied to the articles. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On October 3, 1938, no claimant having appeared, judgment of condemnation

was entered and the products were ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29540. Misbranding of bread. U. S. v. Safeway Stores, Inc. Plea of guilty. Fine, \$28. (F. & D. No. 42568. Sample Nos. 11623-D, 11652-D.)

Samples of this bread were found to be short weight.

On October 1, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Safeway Stores, Inc., trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 13 and April 29, 1938, from the State of Utah into the States of Wyoming and Nevada, respectively, of quantities of bread which was misbranded. The article was labeled in part: "Twisted White Bread American Youth."

Misbranding was alleged in that the statement "20 Oz.," borne on the wrapper of the article, was false and misleading and was borne on the said wrapper so as to deceive and mislead the purchaser in that the said statement represented that the article enclosed in said wrappers weighed 20 ounces; whereas the bread enclosed in the said wrapper was of considerably less weight than 20 ounces. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 1, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$28.

M. L. Wilson, Acting Secretary of Agriculture.

29541. Adulteration of flour. U. S. v. 3 Barrels and 5 Barrels of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43350, 43351, Sample Nos. 38006–D, 38007–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of three barrels

of flour at New Orleans, La., and five barrels of flour at Arabi, La.; alleging that the article had been shipped on or about June 1, 1938, by B. Heller & Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bull-Meat-Brand Flour."

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29542. Adulteration of flour. U. S. v. 25 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43325. Sample No. 27619-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original unbroken packages, was at the time of examination

found to be insect-infested.

On August 16, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 sacks of flour at North Little Rock, Ark.; alleging that the article had been shipped in interstate commerce on or about April 16, 1938, by the Hawkins Bros. Milling Co. from Ozark, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Snow Flake Flour."

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29543. Adulteration of flour. U. S. v. Seven 48-Pound Sacks of Flour, et al. (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43347, 43348, 43349. Sample Nos. 38403-D, 38404-D, 38405-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 17, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped by the Mid-Kansas Milling Co. from Salina, Kans., in part on or about February 15, 1937, and in part on or about May 17, 1937; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Guaranteed Lady Luck Full Flavored Flour Superior Flour Co. Distributors Little Rock"; "Mid-Kansas Flour Special Patent The Mid-Kansas Milling Co. Clay Center, Kans."; "Wondersack Flour Bakers Special Patent * * * The Mid-Kansas Milling Co."

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29544. Adulteration and misbranding of figur. U. S. v. 50 Bags and 25 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43282, 43283. Sample Nos. 23685—D. 23686—D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested. Moreover, it was bleached flour and that fact was not stated on the label.

On August 11, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 75 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about July 19, 1938, by the Midland Flour Mills Co. from Blackwell, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The

article was labeled in part: "Detrigo Duro Harina Amasadora [or "Harina

Triangulo" | Newton Milling & Elevator Co., Newton, Kans."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance. Adulteration was alleged further in that bleached flour had been substituted wholly or in part for the article.

Misbranding was alleged in that the statement "Harina"—the English translation of which is "Flour"—was false and misleading and tended to deceive and

mislead the purchaser when applied to bleached flour.

On September 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29545. Adulteration of apple butter. U. S. v. 78 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42934. Sample No. 25921-D.)

This product was contaminated with lead.

On June 16, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of apple butter at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, by Holsum Products from Cleveland, Ohio; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glenside * * * Apple Butter Wilkinson, Gaddis & Co., Distributors Newark, N. J."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29546. Misbranding of canned apricots and canned peaches. U. S. v. 29 Cases of Canned Apricots and 30 Cases of Canned Peaches. Default decrees of condemnation. Products ordered destroyed or delivered to charitable institutions. (F. & D. Nos. 42890, 42891. Sample Nos. 23478-D. 23479-D.)

These products fell below the standard established by this Department, both being water-packed, the apricots being soft and mushy and the peaches being excessively trimmed; and they were not labeled to indicate that they were substandard. The peaches were short weight.

On June 6, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 cases of canned apricots and 80 cases of canned peaches at Portland, Oreg.; alleging that the articles had been shipped in interstate commerce on or about October 2, 1937, by Stockton Food Products Co., Inc., from Stockton, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Real-Ripe Brand Solid Pack Pie Apricots [or "Yellow Cling Peaches"] Net Contents 6 lbs. 10 Oz."

The canned apricots were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was soft and mushy and was water-

The canned peaches were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since they contained excessive trimming and were water-packed, and the package and label did not bear a plain and conspicuous statement showing that they were substandard. They were alleged to be misbranded further in that the statement "Net Contents 6 Lbs. 10 Oz." was false and misleading and tended to deceive and mislead the purchaser since the product was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the

On September 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed or delivered to charitable institutions.

29547. Adulteration of dried egg yolks. U. S. v. 15 Barrels of Dried Egg Yolks. Default decree of condemnation and destruction. (F. & D. No. 42019. Sample No. 17743-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

contain excessive moisture and to be moldy and decomposed.

On March 19, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 barrels of dried egg yolks at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 13, 1937, by the Commercial Creamery Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that excess moisture had been substituted wholly or in part for dried egg yolks, and in that it consisted wholly

or in part of a decomposed animal substance.

On October 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29548. Adulteration of corn meal. U. S. v. 74 Sacks of Meal. Default decree of condemnation and destruction. (F. & D. No. 43315. Sample No. 38402-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 16, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 sacks of meal at North Little Rock, Ark.; alleging that the article had been shipped on or about July 6, 1938, by Allied Mills, Inc., from Memphis, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "American Indian Table Meal."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On September 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29549. Adulteration of candy. U. S. v. 9 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43862. Sample No. 13642-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On or about September 14, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Savannah, Ga., alleging that the article had been shipped on or about April 14, 1938, by the D. L. Clark Co. from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole

or in part of a filthy vegetable substance.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29550. Adulteration of apples. U. S. v. 121 and 24 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 43896. Sample Nos. 28662–D, 28663–D.)

This product was contaminated with lead arsenate.

On September 1, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation 145 boxes of apples at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by C. S. Stewart & Sons from Freewater, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous substance, lead arsenate, which might have been rendered it injurious to health.

On October 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29551. Adulteration of candy. U. S. v. 17 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43726. Sample No. 38124-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On September 6, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 boxes of candy at Mobile, Ala.; alleging that the article had been shipped on or about October 21, 1937, by Joseph A. Schlesinger, Inc., from Atlanta, Ga.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On October 8, 1938, no elaimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29552. Misbranding of canned peaches. U. S. v. 49 Cases and 310 Cases of Canned Peaches. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 39694, 39695. Sample Nos. 41694-C, 41500-C.)

This product fell below the standard established by this Department, because the fruit was packed in water and in one lot it did not consist of unbroken

halves.

On June 9, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 49 cases of canned peaches at Wichita, Kans., and 310 cases of canned peaches at Hutchinson, Kans.; alleging that the article had been shipped in interstate commerce on or about October 27, 1936, by Smith Canning Co. from Clearfield, Utah; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden B. Brand Pie Peaches Packed by Box Elder Packing Corp. Brigham City. Utah."

City, Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peaches were packed in water and in one lot (49 cases) did not consist of unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell

below such standard.

On April 20 and September 14, 1938, the Guymon-Petro Merc. Co., Hutchinson, Kans., and the Winfield Wholesale Groc. Co., Wichita, Kans., claimants for the respective lots, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29553. Adulteration of flour. U. S. v. 18 Bags and 27 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 43299, 43300. Sample Nos. 37634-D, 37635-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 13, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about July 3, 1938, by the International Milling Co. from Greenville, Tex.; and charg-

ing adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Texas Prince Flour" or "White Prince Flour Bleached."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29554. Adulteration of candy. U. S. v. 17 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43072. Sample No. 23881-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On July 16, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by New England Confectionery Co. from Cambridge, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On or about September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29555. Adulteration of caudy. U. S. v. 18 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43863. Sample No. 13643-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On or about September 14, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 boxes of candy at Savannali, Ga.; alleging that the article had been shipped in interstate commerce on or about February 25, 1937, by National Candy Co., Inc., from Grand Rapids, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or

in part of a filthy vegetable substance.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of candy. U. S. v. 23 Cartons and 22 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43571, 43856. Sample Nos. 29121–D, 38224–D.) 29556. Adulteration of candy.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On September 1 and 12, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 23 cartons of candy at Lockport, La., and 22 boxes of candy at Marietta, Ga.; alleging that the article had been shipped within the period from on or about January 24, 1938, to on or about March 2, 1938, by Magic City Candy Co. from Birmingham, Ala.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On October 10 and November 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

29557. Adulteration of candy. U. S. v. 10 Boxes, 46 Boxes, and 3 Boxes of Candy.
Default decree of condemnation and destruction. (F. & D. No. 43859.
Sample Nos. 29123-D to 29125-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 12, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 boxes of candy at Marietta, Ga.; alleging that the article had been shipped in interstate commerce in part on or about October 1 and in part on or about December 31, 1935, by Curtiss Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it consisted wholly or in

part of a filthy and decomposed vegetable substance.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29558. Adulteration of flour. U. S. v. 54 Sacks and 137 Sacks of Flour (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43485, 43486, 43487. Sample Nos. 38433-D, 38434-D, 38436-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 26, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 453 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped from Kansas City, Mo., in part on or about March 15, 1938, by Southwestern Milling Co., and in part on or about June 3, 1938, by Standard Milling Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Optima The Best Flour [or "The Never Fail Aristos Flour"] The Southwestern Div. Standard Milling Company Kansas City."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29559. Adulteration of flour. U. S. v. SS Bags of Flour. Consent decree of condemnation. Product released under bond for use as animal feed. (F. & D. No. 43592. Sample No. 38123-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 bags of flour at Mobile, Ala.; alleging that the article had been shipped in interstate commerce on or about July 5, 1938, by Willis Norton Co. from Wichita, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Flour Bleached."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8, 1938, Ziliak & Schafer Milling Co., Inc., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of for use as animal feed, or for some purpose other than human consumption.

29560. Adulteration of corn meal. U. S. v. 110 Sacks and 245 Bags of Cream Meal. Consent decrees of condemnation. Product released under bond for use as animal feed. (F. & D., Nos. 43484, 43580. Sample Nos. 38115-D, 38121-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

In August 27 and 29, 1938, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 355 sacks of corn meal at Mobile, Ala.; alleging that the article had been shipped in interstate commerce on or about June 30, July 30, and August 13, 1938, by Scott County Milling Co., in part from Sikeston, Mo., and in part from Cairo, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cotton States Cream Meal * * * Dexter Milling Co. Dexter. Mo."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 8, 1938, Ziliak & Schafer Milling Co., Inc., Mobile, Ala., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of for animal feed or for some purpose other than human consumption.

M. L. Wilson, Acting Secretary of Agriculture.

29561. Adulteration of corn meal, grits, and corn flour. U. S. v. 89 Bags and 16 Bags of Corn Meal (and two other scizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43260, 43261, 43262. Sample Nos. 37631-D, 37632-D, 37633-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages, were at the time of examination found

to be insect-infested.

On August 10, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 105 bags of corn meal, 88 bags of grits, and 16 bags of corn flour at New Orleans, La.; alleging that the articles had been shipped in interstate commerce in part on or about July 9 and 20, 1938, by the Scott County Milling Co. from Sikeston, Mo.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "The B M M Co. Cream Corn Meal"; "The B. M. M. Co. Grits;" or "Corn Flour B. M. M. Co."

The articles were alleged to be adulterated in that they consisted wholly or

in part of a filthy vegetable substance.

On September 29, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29562. Adulteration of flour. U. S. v. 12 Saeks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43572. Sample No. 38437-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 30, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about June 16 and July 9, 1938, by Burrus Mill & Elevator Co. from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "T. N. T. * * * Hard Wheat Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29563. Adulteration of flour. U. S. v. 28 Bags of Flour (and nine similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43193, 43384 to 43387, inclusive, 43411 to 43414, inclusive. Sample Nos 37627-D, 38410-D to 38417-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On August 3, 19, and 20, 1938, the United States attorneys for the Eastern District of Louisiana and the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 28 98-pound bags of flour at New Orleans, La., 657 12-pound bags, 900 24-pound bags, and 121 48-pound bags of flour at Little Rock, Ark.; alleging that the article had been shipped within the period from on or about January 26, 1938, to on or about July 5, 1938, by General Mills, Inc., in various shipments from Wichita Falls, Tex., Wichita, Kans., and Oklahoma City, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Special Bakers Mothers Loaf Patent Wichita Mill and Elevator Company"; "Red Star Milling Co. Wichita, Kansas, Dixie Delight"; "Keno Flour Watson Mill Company Distributor Wichita, Kansas"; "Southern Home Special"; "Covered Wagon Flour"; "Apex Flour Bleached"; "Crockers Best Flour"; "Bleached Play Boy Extra High Patent Flour.'

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On September 19 and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29564. Adulteration of flour. dulteration of flour. U. S. v. 280 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. & D. No. 43591. Sample No. 38122-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On August 31, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 bags of flour at Mobile, Ala.; alleging that the article had been shipped on or about June 29, 1938, by Washburn Crosby Co., division of General Mills, from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Washburn Crosby Flour Washburn's Gold Medal * * * Manufactured by General Mills, Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 8, 1938, Ziliak & Schafer Milling Co., Inc., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of for animal feed or for some purpose other than human consumption.

M. L. Wilson, Acting Secretary of Agriculture.

29565. Adulteration of flour. U. S. v. 120 Sacks of Flour (and three other scizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43538 to 43541, inclusive. Sample Nos. 38428-D to 38431-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On August 30, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 513 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped between the dates of November 20, 1937 and May 2, 1938, inclusive, by the Hays City Flour Mills from Hays, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Rod Flour" or "Royal Oak Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29566. Adulteration of corn meal. U. S. v. 89 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be used for animal feed. (F. & D. Nos. 43957, 43958. Sample Nos. 38150-D, 38151-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested and to contain rodent hairs.

On September 23, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 bags of corn meal at Pensacola, Fla.; alleging that the article had been shipped in part on or about September 2 and September 10, 1938, by Meridian Grain & Elevator Co. from Meridian, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Banjo Electrically Ground Bolted Cream for "Corn" Meal."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable and animal substance.

On October 8, 1938, the Lewis Bear Co. Pensacola, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to claimant under bond, conditioned that it might be used in the manufacture of feed for animals.

M. L. Wilson, Acting Secretary of Agriculture.

29567. Adulteration and misbranding of flour. U. S. v. 94 Bags and 400 Bags of Flour. Decree of condemnation. Portion of product released under bond to be reconditioned for stock feed; remainder ordered destroyed. (F. & D. Nos. 43123, 43763. Sample Nos. 37619-D, 38373-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested. The flour in both lots was bleached, but in one lot that fact was

not declared on the sack and it appeared inconspicuously on the tag.

On July 27 and September 14, 1938, the United States attorneys for the Eastern District of Louisiana and the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 94 bags of flour at New Orleans, La., and 400 bags of flour at Alexandria, La.; alleging that the article had been shipped in part on or about June 22, 1938, and in part on or about August 25, 1938, by the G. B. R. Smith Milling Co. from Sherman, Tex.; and charging adulteration of both lots and misbranding of the latter in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Sack) "Texas Bake Master Specially Milled Flour Bleached." The remainder was labeled in part: (Sack) "Patent Best Bread High Gluten Flour"; (tag) "Challenge Bleached Flour."

Adulteration of both lots was alleged in that the article consisted wholly or

in part of a filthy vegetable substance.

Misbranding of one lot was alleged in that the statement "Flour," borne on the bag, was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour, and this misleading impression was not corrected by the inconspicuous word "bleached" printed on the tag attached

to the bag.

On September 21, 1938, the G. B. R. Smith Milling Co., claimant for the lot seized at Alexandria, La., having admitted the material allegations of the libel, judgment of condemnation was entered and the lot was ordered released under bond conditioned that it be colored, reworked and relabeled, and disposed of for stock feed. On October 14, 1938, no claimant having appeared for the lot seized at New Orleans, La., judgment of condemnation was entered and the lot was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29568. Adulteration of flour. U. S. v. 76 Sacks and 40 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43635. Sample No. 38447-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 1, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in interstate commerce on or about March 5, 1938, by Waggoner-Gates Milling Co. from Independence, Mo.: and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Waggoner-Gates Milling Co. * * * Roller Process Fancy Patent Queen of the Pantry."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29569. Adulteration and misbranding of whitefish caviar. U. S. v. 66 Jars, et al., of Whitefish Caviar. Default decree of condemnation and destruction. (F. & D. No. 42899. Sample Nos. 25434-D, 25435-D.)

This product contained parasitic worms, fish scales, bones, shell-type organ-

isms, and pieces of shell. It also was short of the declared weight.

On June 7, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 various sized jars of whitefish caviar at New Haven, Conn.; alleging that the article had been shipped in interstate commerce in various shipments on or about June 1 and December 4, 1936, and January 5, 1938, by R. C. Williams & Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "O-So-Fine White Fish Caviar * * * Packed for R. S. Williams & Co., Inc. New York."

It was alleged to be adulterated in that it consisted in whole or in part of

a filthy animal substance.

The article was alleged to be misbranded in that the statements, "1 Oz.," "2 Oz.," "4 Oz.," and "16 Oz. Net," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statement made was incorrect.

On October 26, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29570. Adulteration of whitefish caviar. U. S. v. 58 Jars and 42 Jars of Whitefish Caviar. Default decree of condemnation and destruction. (F. & D. No. 42928. Sample Nos. 25450-D, 25451-D.)

This product contained parasitic worms, fish bones, and shell-encrusted or-

ganisms.

On or about June 16, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 jars of whitefish caviar at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce in part on or about October 22, 1937, and in part on or about May 9, 1938, by Vita Food Products, Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Fish Caviar Vita Brand * * * Packed by Vita Fish Preserving Works—New York."

It was alleged to be adulterated in that it consisted in whole or in part of

a filthy animal substance.

On October 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29571. Adulteration of flour. U. S. v. 60 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43765. Sample Nos. 38449-D, 38465-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying scizure and condemnation of 60 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in interstate commerce on or about May 20, 1938, by Stanard-Tilton Milling Co. from Alton, Iil.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Stanard's Red One High Patent Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29572. Adulteration of candy. U. S. v. 8 Cartons of Candy, Default decree of condemnation and destruction. (F. & D. No. 43664. Sample No. 38127-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On September 2, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of candy at Mobile, Ala.; alleging that the article had been shipped on or about January 27, 1933, by D. Goldenberg, Inc., from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On October 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29573. Misbranding of canned sardines. U. S. v. 19 Cases of Sardines. Default decree of condemnation and destruction. (F. & D. No. 42957. Sample No. 27310-D.)

This product was short weight.

On July 22, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of sardines at Billings, Mont.; alleging that the article had been shipped in interstate commerce on or about January 8, 1937, by California Packing Sales Co. Fruitvale, Calif. (for Hovden Food Products Co., Monterey, Calif.); and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "North Star Filets of Sardines * * * Distributed by North Star Company Seattle."

It was alleged to be misbranded in that the statement "Net Contents 9 Oz. or 255 Grams," was false and misleading and tended to deceive and mislead the purchaser since it was short in weight; and in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in that the quantity stated was not correct.

On September 9, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29574. Adulteration of flour. U. S. v. 11 Sacks, 8 Sacks, and 19 Sacks of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43467, 43468, 43854. Sample Nos. 38422-D, 38423-D, 38471-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On August 25 and September 12, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 sacks of flour at North Little Rock, Ark., and 19 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped by Arkansas City Flour Mills Co. from Arkansas City, Kans., the former on or about November 8, 1937, and the latter on or about July 19, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Bleached

Kansas Diamond Flour"; "Kutter Flour Phosphated"; "Bleached Pastell Kansas Diamond Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 24 and October 7, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29575. Adulteration of spaghetti. U. S. v. 36 Cartons of Spaghetti. Default decree of condemnation and destruction. (F. & D. No. 43380. Sample No. 38407-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 18, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cartons of spaghetti at Little Rock, Ark.; alleging that the article had been shipped in interstate commerce on or about May 19, 1938, by Domino Macaroni Co. from Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Great Scott Brand Long Spaghetti."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29376. Adulteration of cheese. U. S. v. Carl Hopperdietzel (Hopperdietzel Cheese Factory). Pica of guilty. Fine, \$25. (F. & D. No. 42584. Sample No. 2796-D.)

This product was deficient in fat and contained excess moisture.

On September 21, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Carl Hopperdietzel, trading as the Hopperdietzel Cheese Factory, Merino, Colo., alleging that on or about January 6, 1938, the defendant sold and delivered to Swift & Co., a corporation, Denver, Colo., a quantity of cheese under a guaranty that the product was not adulterated or misbranded within the meaning of the Federal Food and Drugs Act; that on or about March 22, 1938, Swift & Co. shipped a quantity of the product in the identical condition as when so sold and delivered and guaranteed, from the State of Colorado into the State of Wyoming; that the said article was adulterated within the meaning of the Food and Drugs Act, and that by reason of the guaranty the defendant was amenable to prosecution for such shipment. The article was labeled in part: "Full No. 1 Cream."

Adulteration was alleged in that a substance deficient in fat and containing excess moisture, to wit, a substance containing less fat and more moisture than is contained in full cream cheese, had been substituted for full cream cheese,

which it purported to be.

On October 6, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

29577. Adulteration and misbranding of horseradish. U. S. v. 162 Jars of Horseradish. Default decree of condemnation and destruction. (F. & D. No. 42929. Sample No. 25449-D.)

This product consisted in whole or in part of ground turnips, cornstarch,

and mustard oil.

On or about June 16, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying selzure and condemnation of 162 jars of horse-radish at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about April 16, 1938, by H. M. Fields, Inc., from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fields' Best Horse-radish."

Adulteration was alleged in that a substance consisting of ground turnips, cornstarch, and mustard oil had been substituted in whole or in part for horseradish.

Misbranding was alleged in that the statement "Horseradish" was false and misleading and tended to deceive and mislead the purchaser, and in that it was offered for sale under the distinctive name of another article.

On October 26, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29578. Adulteration of apples. U. S. v. 33 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44055. Sample Nos. 32742-D.) 32743-D.)

This product was contaminated with arsenic and lead.

On August 18, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by South Haven Fruit Exchange from South Haven, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On September 23, 1938, the consignee having consented to its destruction, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29579. Adulteration of apples. U. S. v. 17 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43933. Sample No. 24719–D.)

This product was contaminated with arsenic and lead.

On September 7, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bushels of apples at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, by Robert Tamblyn from Springdale, Ark.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

injurious to health.

On October 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29580. Adulteration of apples. U. S. v. 6 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43810. Sample No. 32722-D.)

This product was contaminated with arsenic and lead.

On August 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Jochem Bros. from Bridgman, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29581. Adulteration of butter. U. S. v. Talbot-Woods & Kelly Butter Co., Inc. Plea of guilty. Fine, \$10. (F. & D. No. 42560. Sample No. 21753-D.)

This product contained less than 80 percent of milk fat.

On August 26, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Talbot-Woods & Kelly Butter Co., Inc., trading at Kansas City, Kans., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 2, 1938, from the State of Kansas into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a

product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923, which the article purported to be.

On September 14, 1938, a plea of guilty was entered on behalf of the defendant

and the court imposed a fine of \$10.

M. L. Wilson, Acting Sceretary of Agriculture.

29582. Adulteration and misbranding of horseradish. U. S. v. 103 Bottles of Horseradish. Default decree of condemnation and destruction. (F. & D. No. 42923. Sample No. 12660-D.)

This product contained foreign plant tissues, principally parsaip and turnip. On June 15, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 bottles of horseradish at Jamaica, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 14, 1938, by American Grocery Co. from Hoboken, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Country Pride Horse Radish * * * * Made by Arthur Janda Higginsville, N. J."

It was alleged to be adulterated in that it contained foreign plant tissues,

principally parsnip and some turnip, mixed and packed therewith so as to reduce or lower its quality and strength, and in that it had been mixed in a

manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Horse Radish" was false and misleading and tended to deceive and mislead the purchaser.

On September 30, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29583. Adulteration of erab meat. U. S. v. 30 Pounds and 30 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43337. Sample No. 34157-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain

evidence of the presence of filth.

On August 9, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 pounds of crab meat at Buffalo, N. Y.; alleging that the article had been shipped on or about August 3, 1938, by the John T. Handy Co., Inc., from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of

a filthy, decomposed, or putrid animal substance.

On September 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29384. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 43431, Sample No. 27840-D.) Default decree of

This product contained less than 80 percent of milk fat.

On August 8, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter at National Stock Yards, Ill.; alleging that the article had been shipped in interstate commerce on or about July 29, 1938, by the Monroe City Creamery Co., Monroe City, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained less than 80 percent

by weight of milk fat.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29585. Adulteration of macaroni. U. S. v. 17 Cartons of Macaroni. Default decree of condemnation and destruction. (F. & D. No. 43441. Sample No. 38409-D.)

This product having been shipped in interstate commerce and remaining unsold in the original packages, was at the time of examination found to be insect-infested

On August 22, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 packages of macaroni at Little Rock, Ark.; alleging that the article had been shipped on or about July 22, 1938, by the Domino Macaroni Co. from Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Great Scott Long Macaroni."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29586. Adulteration and misbranding of butter. U. S. v. Armour & Co. of Delaware (Armour Creameries). Plea of nolo contendere. Fine, \$300. (F. & D. No. 40756. Sample Nos. 53311-C, 53318-C, 53320-C.)

This product contained less than 80 percent of milk fat.

On March 21, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co. of Delaware, trading as Armour Creameries at Meridian, Miss., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about July 12 to on or about July 27, 1937, from the State of Mississippi into the State of Alabama, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Armour's Star * * * Quality Cloverbloom Butter,"

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as pre-

scribed by act of March 4, 1923, which the article purported to be.

The article was alleged to be misbranded in that the statement "Butter" was false and misleading since it represented that the said article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained a less amount.
On September 21, 1938, a plea of nolo contendere was entered on behalf of

the defendant and the court imposed a fine of \$300.

M. L. Wilson, Acting Secretary of Agriculture

29587. Adulteration and misbranding of butter. U. S. v. 330 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44204, Sample No. 21807-D.)

This product contained less than 80 percent of milk fat.

On September 7, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 330 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 21, 1938, by McIlhaney Creamery Co. from Lubbock, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by

act of March 4, 1923.

It was alleged to be misbranded in that it was labeled butter, which was

false and misleading since it contained less than 80 percent of milk fat.

On September 22, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of this Department so as to comply with the law.

29588. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43508. Sample No. 32466-D.)

This product contained less than 80 percent of milk fat.

On August 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 28, 1938, by Merchants Dairy Co. from Desloge, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided

by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled butter, which was

false and misleading since it contained less than 80 percent of milk fat.

On August 19, 1938, D. J. Coyne & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department so as to comply with the law.

M. L. Wilson, Acting Secretary of Agriculture.

29589. Adulteration of butter. U. S. v. 69 Tubs and 35 Tubs of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. Nos. 43978, 43980. Sample Nos. 21806–D, 32478–D.)

This product contained less than 80 percent of milk fat.

On August 30 and September 3, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 104 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in two consignments on or about August 16 and 22, 1938, by A. T. Crouch Creamery Co. from Bloomer, Ark., and from St. Louis, Mo., respectively; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act

of March 4, 1923.

On September 13, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reworked to comply with the law.

M. L. Wilson, Acting Secretary of Agriculture.

29590. Adulteration of corn meal. U. S. v. 125 Bags of Corn Meal. Consent decree of condemnation. Product released under bond to be used for purposes other than human consumption. (F. & D. No. 43532. Sample No. 38116–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On August 27, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of corn meal at Mobile, Ala.; alleging that the article had been shipped on or about July 20, 1938, by J. F. Weinmann Milling Co. from Little Rock, Ark.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rose City Roller Mills Purity Corn Cream Meal."

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 8, 1938, Ziliak & Schafer Milling Co., Inc., Mobile, Ala., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used for animal feed, or for some purpose other than human consumption.

29591. Adulteration of erab meat. U. S. v. 30 Cans and 40 Cans of Crab Meat.

Default decrees of condemnation and destruction. (F. & D. Nos. 43355, 43356. Sample Nos. 34268-A, 34269-A.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to contain evidence of the presence of filth.

On August 12, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 pound cans of crab meat at Philadelphia, Pa.; alleging that the article had been shipped on or about August 10, 1938, by R. E. Spencer & Bro. from Cape Charles, Va.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted of a filthy animal

substance.

On September 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29592. Adulteration of flour. U. S. v. 150 Bags of Flour. Decree of condemnation with provision for release under bond. (F. & D. No. 43461. Sample No. 37957-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On or about August 26, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of flour at Hattiesburg, Miss.; alleging that the article had been shipped on about August 3, 1938, by the Ross Milling Co. from Ottawa, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Betsy's Best Bleached."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On October 12, 1938, no plea or answer having been filed, judgment of condemnation and forfeiture was entered. The decree provided that the product might be released to the Hattiesburg Grocery, Inc., Hattiesburg, Miss., upon the execution of a bond conditioned that it be reworked under the supervision of this Department so as to comply with the law.

M. L. Wilson, Acting Secretary of Agriculture.

29593. Adulteration of candy. U. S. v. 19 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43489. Sample No. 38109-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On August 26, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cartons of candy at Mobile, Ala.; alleging that the article had been shipped on or about April 15, 1938, by Vita Bran Corporation from Bronx, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it was composed wholly or in part of

a filthy vegetable substance.

On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29594. Adulteration of candy. U. S. v. 23 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43497. Sample No. 23695-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 26, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cartons of candy at Mobile, Ala.; alleging that the article had been shipped on or about November 5, 1937, by L. S. Heath & Sons from Robinson, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29595. Adulteration of butter. U. S. v. Edward R. Jolly (McAlester Ice Cream Co.). Plea of guilty. Fine, \$50. (F. & D. No. 39800. Sample Nos. 49318-C, 49408-C.)

This product contained less than 80 percent of milk fat.

On November 23, 1937, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward R. Jolly, trading as the McAlester Ice Cream Co., McAlester, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 7 and June 16, 1937, from the State of Oklahoma into the State of Illinois, of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which should contain not less than 80 percent by weight of milk fat as prescribed by act of March 4, 1923, which it purported to be.

On August 22, 1938, a plea of guilty was entered on behalf of the defendant

and the court imposed a fine of \$50.

M. L. Wilson, Acting Secretary of Agriculture.

29596. Adulteration of candy. U. S. v. 11 Cartons of Coconut Marshmallow Candy. Default decree of condemnation and destruction. (F. & D. No. 43488. Sample No. 38103-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be rancid and insect-infested.

On August 26, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Mobile, Ala.; alleging that the article had been shipped on or about April 25, 1938, by York Cone Co. from York, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was composed wholly

or in part of a filthy vegetable substance.
On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29597. Adulteration of butter. U. S. v. 26 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 43292. Sample No. 18342-D.)

This product contained less than 80 percent by weight of milk fat.

On July 29, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in Interstate commerce on or about June 23, 1938, by the Columbia Produce Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should

contain not less that 80 percent of milk fat.

On August 9, 1938, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, a judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29598. Adulteration of canned tomatoes. U. S. v. 199 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 43314. Sample No. 35300-D.)

This product was found to be in whole or in part decomposed.

On August 18, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned tomatoes at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about April 19 and May 26, 1938, by the Riverbank Canning Co. from Riverbank, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zelo Brand Choice Quality, Italian Peeled Tomatoes."

Adulteration was alleged in that the article consisted in whole or in part

of a decomposed vegetable substance.

On September 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29599. Adulteration of dried peaches. U. S. v. California Prune & Apricot Growers Association. Pica of nolo contendere. Fine, \$300. (F. & D. No. 37034. Sample No. 38724-B.)

Samples of this product were found to be moldy, infested, and dirty.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Prune & Apricot Growers Association, San Jose, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 1, 1935, from the State of California into the State of Utah of a quantity of peaches which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a

filthy vegetable substance.

On July 31, 1936, the defendant filed a demurrer and motion to quash, which were argued March 7, 1938. On May 2, 1938, the court handed down its decision denying the motion to quash and overruling the demurrer without opinion. On June 27, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$300.

M. L. Wilson, Acting Secretary of Agriculture.

29600. Adulteration of flour. U. S. v. 52 Sacks and 71 Sacks of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43573, 43574. Sample Nos. 38438-D, 38440-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 30, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 123 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about June 17 and 23 and July 7, 1938, by the Topeka Flour Mills Corporation from Topeka, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Snow White Best Family Flour," or "Kaw Valley Cream Family Flour."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29601. Adulteration of candy. U. S. v. 29 Cartons, 21 Cartons, and 17 Cartons of Candy (and two other scizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43187, 43344, 43345, 43346, 43365. Sample Nos. 23907–D, 37947–D, 37948–D, 37949–D, 37951–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 2, 17, and 18, 1938, the United States attorneys for the Northern District of Alabama and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 90 cartons of candy at Birmingham, Ala. and 59 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates between February 16, 1937, and April 19, 1938, by Henry Heide (or Henry Heide, Inc.) from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 14 and 21, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29602. Adulteration of candy. U. S. v. 34 Boxes and 11 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43114, 43115. Sample Nos. 23661-D, 23665-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infected.

On or about July 26, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 and 11 cartons of candy at Shreveport, La.; alleging that the article had been shipped in part on or about March 24 and April 25, 1938, by Mars, Inc., from Chicago, Ill., and in part on or about April 21 and June 17, 1938, by the Gilliam Candy Co. from Paducah, Ky.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture,

29603. Adulteration of crab meat. U. S. v. 50 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43512. Sample No.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to contain evidence of the presence of filth.

On August 15, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pounds of crab meat at Wildwood, N. J.; alleging that the article had been shipped on or about August 11, 1938, by the Star Oyster Co. from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of

a filthy animal substance.

On September 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29604. Misbranding of canned cherries. U. S. v. 83 Cases of Canned Cherries. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 43628. Sample No. 27579-D,)

This product was substandard because of the presence of excessive pits, but

was not labeled to indicate that it was substandard.

On or about September 3, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 cases of canned cherries at Amarillo, Tex.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by the Halferty Corporation from Olympia, Wash.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Moon Winks Brand Water Pack R. S. P. Cherries * * * Packed by Huber Packing Co., Inc., Olympia, Washington."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture in that there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell

below such standard.

On October 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions provided first that the labels be obliterated.

M. L. Wilson, Acting Secretary of Agriculture.

29605. Adulteration of crab meat. U. S. v. 50 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43899. Sample No. 34292-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain

evidence of the presence of filth.

On September 2, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying scizure and condemnation of 50 pounds of crab meat at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by F. H. Ayres from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy animal substance.

On October 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29606. Adulteration and misbranding of flour. U. S. v. 20 Bags of Flour (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43902, 43903, 43904. Sample Nos. 9185-D, 9186-D, 9187-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested. Moreover, the flour in all lots was bleached; but that in one

lot was not labeled to indicate that it was bleached.

On or about September 19, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condennation of 198 bags of flour at Houston, Tex.; alleging that the article had been shipped on or about July 20, 1938, by the Chickasha Milling Co. from Chickasha, Okla.; and charging that all lots were adulterated and one lot was misbranded in violation of the Food and Drugs Act. The article was labeled variously: "Victor Flour," "Ranger Flour," and "Searchlight Flour."

Adulteration was alleged with respect to all lots in that the article consisted

wholly or in part of a filthy vegetable substance.

Misbranding was alleged with respect to the Searchlight brand in that the statement on the bag, "Flour," was false and misleading and tended to deceive and mislead purchasers when applied to bleached flour.

On or about October 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29607. Adulteration of pine nuts. U. S. v. 18 Boxes of Indian Nuts (Pine Nuts).

Default decree of condemnation and destruction. (F. & D. No. 43438, Sample No. 35568-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be shriveled and insect-infested, and to contain pieces of wood, rocks, and animal excreta.

On August 23, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 boxes of pine nuts at Providence, R. I.; alleging that the article had been shipped on or about July 28, 1938, by Zenobia Co., Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of

a filthy vegetable substance.

On September 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29608. Adulteration of wheat gray shorts and screenings. U. S. v. The General Mills, Inc. (The Red Star Milling Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 42547. Sample No. 3905-D.)

This product was represented to be wheat gray shorts and screenings, but consisted in whole or in part of wheat brown shorts and screenings.

On July 20, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against General Mills., Inc., trading as the Red Star Milling Co., Wichita, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 13, 1937, from the State of Kansas into the State of Texas, of a quantity of wheat gray shorts and screenings that were adulterated. The article was labeled in part: "Red Star Wheat Gray Shorts & Screenings."

It was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings,

which it purported to be.

On September 22, 1938, a plea of guilty was entered on behalf on the defendant and the court imposed a fine of \$100 and costs.

M. L. Wilson, Acting Secretary of Agriculture.

29609. Adulteration of figur. U. S. v. 56 Sacks, of Flour. Default decree of condemnation and destruction. (F. & D. No. 43835. Sample No. 38470-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

On September 1

On September 10, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped on or about May 17, 1938, by Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peter Rabbit Guaranteed Flour."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On October 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29610. Adulteration of flour. U. S. v. 88 Sacks of Flour (and three other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43722 to 43725, inclusive. Sample Nos. 38460-D to 38463-D inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 244 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about May 9 and in part on or about June 21, 1938, by the N. Sauer Milling Co. from Cherryvale, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Finest Family Flour * * * Milled From Finest Quality Wheat for United Grocers, Inc."; or "Champion Flour * * * N. Sauer Milling Co."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29611. Adulteration of apples. U. S. v. 45 Bushels of Apples. Consent decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 43818. Sample No. 36446-D.)

This product was contaminated with arsenic and lead.

On or about August 30, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bushels of apples at Topeka, Kans.; alleging that the article had been shipped in interstate commerce on or about August 25, 1938, by De Feo Fruit Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, a compound of arsenic and lead, which might have rendered

it injurious to health.

On September 14, 1938, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution provided that the apples be peeled before use.

M. L. Wilson, Acting Secretary of Agriculture.

29612. Misbranding of canned peas. U. S. v. 31 Cases of Peas. Decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 44075. Sample No. 41705-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On October 5, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of canned peas at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about June 14, 1938, by Frederica Packing Co. from Frederica, Del.; and charging misbranding in violation of the Food and Drugs The article was labeled in part: "Early June Peas The Frederica Packing Act. Co."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after removal of the cartons and wrappers.

M. L. Wilson, Acting Secretary of Agriculture.

29613. Misbranding of peanut butter. U. S. v. R. Grady Johnson (Louis-Anne Co.). Plea of guilty. Fine, \$10. (F. & D. No. 42583. Sample Nos. 16349-D, 29035-D.)

This product was short weight.

On October 24, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against R. Grady Johnson, trading as Louis-Anne Co., at Brundidge, Ala., alleging shipping by said defendant in violation of the Food and Drugs Act as amended, on or about March 18, 1938, from the State of Alabama into the State of Louisiana, and on or about March 28, 1938, from the State of Alabama into the State of Georgia, of quantities of peanut butter which was misbranded. The article was labeled in part: "Louis-Anne Peanut Butter Net Wt. When Packed 24 Ozs. [or "32 Ozs."] Manufactured by Louis-Anne, Inc., Brundidge, Ala."

Misbranding was alleged in that the statements "Net Wt. When Packed 24 Ozs." and "Net Wt. When Packed 32 Ozs.," borne on the jar labels, were false and misleading; and in that the statements aforesaid were borne on the said jar labels so as to deceive and mislead the purchaser since the jars contained less than declared. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 25, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$10.

M. L. Wilson, Acting Secretary of Agriculture.

29614. Adulteration of flour. U. S. v. 123 Sacks and 160 Sacks of Flour. decree of condemnation and destruction. (F. & D. Nos. 43444, 43445. Sample Nos. 38419-D, 38420-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 23, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 283 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about June 22, 1938, by the Shellabarger Mill & Elevator Co. from Salina, Kans., and in part on or about July 13, 1938, by the McDaniel Milling Co., Inc., from Carthage, Mo.; and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: "P. J. Star * * * Manufactured for Plunkett Jarrel Grocer Company."

It was alleged to be adulterated in that it consisted wholly or in part of

a filthy vegetable substance.

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29615. Adulteration of flour. U. S. v. 42 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43766. Sample No. 38459-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped on or about June 24, 1938, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Trombone Pure Quality Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29616. Adulteration of apples. U. S. v. 19 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43503. Sample No. 32715-D.)

This product was contaminated with arsenic and lead.

On August 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 7, 1938, by E. A. Fichtner from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On August 18, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29617. Misbranding of canned cherries. U. S. v. 300 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. No. 42905. Sample No. 28701-D.)

This product was substandard because it was water-packed and there was present more than 1 cherry pit per each 20 ounces of net contents, and it was

not labeled to indicate that it was substandard.

On June 8, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about May 25, 1938, by William W. McBride Co. from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Red Sour Pitted Cherries * * Haas-Baruch L. A."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it was water-packed and the fruit was not pitted, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 27, 1938, the Hillman Packing Co., claimant, having appeared and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

M. L. Wilson, Acting Secretary of Agriculture.

29618. Adulteration of candy. U. S. v. 21 Cartons and 22 Cartons of Candy, Default decree of condemnation and destruction. (F. & D. Nos. 43342, 43343. Sample Nos. 37945-D, 37946-D.)

This product having been shipped in interstate commerce and remaining unsold in the original packages, was at the time of examination found to be insect-infected.

On August 17, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped on or about November 10, 1937, by the Fisher Nut Co. from St. Paul, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy vegetable substance.

On September 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29619. Adulteration of apples. U. S. v. 15 Bushels of Apples. Decree of condemnation and destruction. (F. & D. No. 43811. Sample No. 32740-D.)

This product was contaminated with arsenic and lead.

On August 18, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 9 and 11, 1938, by Emil Dass from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On September 15, 1938, the consignee having consented to its destruction. judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29620. Adulteration of apples. U. S. v. 33 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 43940. Sample No. 15553-D.) Default decree of

This product was contaminated with arsenic and lead.

On September 13, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 boxes of apples at Kansas City, Mo.; alleging that the article had been shipped on or about August 20, 1938, by Associated Growers of British Columbia, Ltd., from Kelowna, B. C., Canada; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

injurious to health.

On October 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29621. Misbranding of tomatoes. U. S. v. 680 Lugs of Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43878. Sample No. 16819-D.)

This product fell below the standard established by this Department for U. S. No. 1 grade tomatoes because of defects in excess of the tolerance set in the standard.

On September 13, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 680 lugs of tomatoes at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 9, 1938, from North East, Pa., by Geo. W. Haxton & Son, Inc., of Oakfield, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Boy Brand U. S. No. 1."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when

applied to tomatoes that were below U. S. Grade No. 1.

On September 15, 1938, Louie Cohen Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the requirements of the law.

M. L. Wilson, Acting Secretary of Agriculture.

29622. Adulteration of butter. U. S. v. 34 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43794. Sample Nos. 35343-D, 35681-D.)

This product contained less than 80 percent of milk fat.

On August 26, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 tubs of butter at Boston, Mass., consigned on or about August 19, 1938; alleging that the article had been shipped in interstate commerce by Dearmin & Co. from Odon, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be, the act of March 4, 1923, providing that butter shall contain

not less than 80 percent by weight of milk fat.

On August 31, 1938, Hilton & Aldrich Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. Wilson, Acting Secretary of Agriculture.

29623. Adulteration and misbranding of lemon mixer. U. S. v. 37 Gallon Jars of Lemon Mixer. Default decree of condemnation and destruction. (F. & D. No. 42975. Sample No. 25471-D.)

This product was labeled to indicate that it was a fruitade base, whereas it was an artificially colored and flavored citric acid solution containing no

fruit juice.

On or about June 24, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 gallon jars of lemon mixer at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about June 1, 1938, by the Sunkist Fruit Juice Co. from Bronx, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Madison House Brand * * * California Pure Juice Products New York, N. Y."

Adulteration was alleged in that the article had been mixed and colored in

a manner whereby inferiority had been concealed.

It was alleged to be misbranded in that the following statements on the label were false and misleading and tended to mislead and deceive the purchaser in that they implied that the article was pure lemon juice, whereas it was not: "Superior Quality * * * Use Wherever A Lemon Flavor Is Desired Lemon * * * California Pure Juice Products * * * Old Madison House Mixers bring to you the fine flavor you get from tree ripened fruit * * * In preparing fancy drinks requiring fruit juice such as * * * lemon * * * Because of its concentrated strength, * * * use only half as much as required of fresh fruit juice. To reduce this product to the strength of fresh fruit juice, * * *."

On October 27, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29624. Adulteration of pears. U. S. v. 12 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. No. 43520. Sample No. 32709-D.)

This product was contaminated with arsenic and lead.

On August 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by William H. Schuhknecht from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it harmful to health.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture,

29625. Misbranding and alleged adulteration of butter. U. S. v. 301/16 Cartons of Butter. Default decree of condemnation. Product distributed to of Butter. Default decree of condemnation. Product distributed to public or charitable institutions. (F. & D. No. 43511. Sample Nos. 35565-D, 35566-D.)

This product contained less than 80 percent by weight of milk fat.

On or about August 17, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 301/16 cartons of butter at Providence, R. I., consigned on or about July 12, 1938; alleging that the article had been shipped in interstate commerce by Bridgeman-Russell Co. from Duluth, Minn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter

shall contain not less than 80 percent by weight of milk fat.

Misbranding was alleged in that the article was an imitation of and was

offered for sale under the distinctive name of another article "butter."

On September 28, 1938, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned, and it was ordered further that the product be distributed to public or charitable institutions.

M. L. Wilson, Acting Secretary of Agriculture.

29626. Adulteration of pine nuts. U. S. v. 10 Boxes of Indian Nuts (Pine Nuts) (and two similar seizure actions). (F. & D. Nos. 43442, 43656, 48764. Sample Nos. 35550-D, 35560-D, 35572-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain clay, stones, sticks, and animal excreta. In addition, one lot was

found to be short weight.

On August 23 and September 8 and 12, 1938, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 71 boxes of pine nuts at Providence, R. I.; alleging that the article had been shipped on or about July 28 and August 22, 1938, by Leo Agress, Inc., from New York, N. Y.; and charging that it was adulterated and that a portion was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Indian Brand * * * Indian Nuts."

Adulteration was alleged in that the article consisted in whole or in part of

a filthy vegetable substance.

A portion of the article was alleged to be misbranded in that the statement on the label, "Net weight 5 lbs.," was false and misleading and tended to mislead the purchaser when applied to an article that was short weight. Misbranding of the said portion was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 19 and October 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29627. Adulteration of raisins. U. S. v. 25 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. No. 43482. Sample No. 9184-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 25, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of raisins at Houston, Tex.; alleging that the article had been shipped on or about October 9, 1937, by Rosenberg Bros. & Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand Thompson Seedless Raisins."

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29628. Adulteration of apples. U. S. v. 7 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43816. Sample No. 32761-D.)

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 bushels of apples at Chicago, Ill.; alleging that the article had been shipped on or about August 18, 1938, from Benton Harbor, Mich., by Pepper Bros. to themselves at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "L. J. Grieser * * * Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harm-

ful to health.

On October 14, 1938, no claimant having appeared, judgment of condemuation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29629. Adulteration of dried fruit compote. U. S. v. 50 Crates of Dried Fruit Compote. Default decree of condemnation and destruction. (F. & D. No. 43864. Sample No. 36290-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to

consist in part of insect-infested and moldy pears.

On September 14, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 crates of dried fruit compote at Boston, Mass.; alleging that the article had been shipped on or about August 4, 1938, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand California Choice Fruit Compote."

Adulteration was alleged in that the article consisted in whole or in part of

a filthy and decomposed vegetable substance.

On October 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29630, Adulteration and misbrauding of V5 The Vitamin Food Drink. U. S. v. 144 Cans of V5 The Vitamin Food Drink. Default decree of condemnation and destruction. (F. & D. No. 44082. Sample No. 27933-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain approximately one-half the amounts of vitamins A and D declared on the label, approximately one-fourth the amount of peptonized iron, and less than one-half

the amount of calcium declared.

On October 6, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 cans of V5 The Vitamin Food Drink at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by V5, Inc., from Sandusky, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that a substance containing less than 37,656 International Units of vitamin A, less than 47,500 International Units of vitamin D, less than 88 grains of peptonized iron, and less than 280 grains of calcium (tribasic) to a 10-ounce can had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted wholly or in part for an article represented to contain the said amounts of said ingredients.

Misbranding was alleged in that the statements appearing upon the label, "A biological test shows that every 10-ounce can of V5 contains approximately:

37,656 International units of Vitamin A 47,500 International units of Vitamin D * * * I find there has been added to every 10-ounce can of V5, approximately: 88 grains of Peptonized Iron 280 grains Calcium (tribasic)," were false and misleading and tended to deceive and mislead the purchaser since the article contained less than 37,656 International Units of vitamin A, less than 47,500 International Units of vitamin D, and there had been added to every 10-ounce can less than 88 grains of peptonized iron and less than 280 grains of calcium (tribasic).

On October 31, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29631. Misbranding of Vancotone. U. S. v. 23 Quart Bottles and 10 Gallon Bottles of Imitation Vanilla Extract. Product released under bond for relabeling. (F. & D. No. 43636. Sample No. 15444-D.)

This product was an artificially colored imitation vanilla extract but was not

labeled to show that it was an imitation.

On September 3, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 quart bottles and 10 gallon bottles of Vancotone (imitation vanilla extract); alleging that the article had been shipped on or about August 6 and August 23, 1938, by the Liquid Carbonic Corporation from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement "Vancotone Combining Vanillin. Coumarin and Other Aromatics," borne on the labeling, was misleading and tended to deceive and mislead purchasers when applied to imitation vanilla extract. Misbranding was alleged further in that the article was an imitation and was offered for sale under the distinctive name of another article, namely,

vanilla extract.

On October 17, 1938, the Liquid Carbonic Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. Wilson, Acting Secretary of Agriculture.

29632. Adulteration of canned salmon. U. S. v. 31 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 43785. Sample Nos. 36047-D, 36049-D.)

This product was in part decomposed.

On September 8, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of canned salmon at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by the Red Salmon Canning Co., Ugashik, Alaska; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy, decomposed, and putrid animal substance.
On October 18, 1938, the Red Salmon Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

M. L. Wilson, Acting Secretary of Agriculture.

29633. Misbranding of chocolate-flavored malt and milk (or malted milk). U. S. v. 9 Dozen Cans of Chocolate-Flavored Malt and Milk (and one similar scizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43768, 43873. Sample Nos. 26489-D, 35683-D.)

Both of these products were labeled to indicate that they contained appreciable amounts of malted milk. Examination showed that one consisted chiefly of sugar, dextrose, powdered cocoa, and skimmed-milk solids with little, if any, malt solids or whole-milk solids; and that the other contained sugar and cocoa, and about 20 percent of malted milk.

On September 9 and September 14, 1938, the United States attorneys for the District of New Jersey and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 23 dozen cans of the above-named

products in part at North Arlington, N. J., and in part at Boston, Mass.; alleging that the articles had been shipped in interstate commerce from Brooklyn, N. Y., the former on or about June 2, 1938, in the name of Pyramid Malt Corporation, and the latter on or about June 8, 1938, in the name of Pyramid Malt Co.; and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Royal Banner Chocolate Flavored Malt and Milk [or "Malted Milk"] * * * Pyramid Malt Corporation, Brooklyn, N. Y."

Misbranding was alleged in that the following statements, (malt and milk) "Malt and Milk a Blend of * * * Malt and Milk Cocoa and Cane Sugar * * Substitute for Tea or Coffee * * * Malt and Milk," and (malted milk) "Chocolate Flavored Malted Milk * * * a Blend of * * * Malted Milk Cocoa and Cane Sugar," borne on the labels, were false and misleading and tended to deceive and mislead purchasers when applied in the former instance to a product containing little, if any, extractive matter from malt and, in the latter instance to a product containing cane sugar, dextrose, cocoa, and only 20 percent of malted milk.

On October 10 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29634. Adulteration of tullibees. U. S. v. 29 Boxes and 22 Boxes of Tullibees. Default decrees of condemnation and destruction. (F. & D. Nos. 44206, 44207. Sample Nos. 13047-D, 13049-D.)

This product was infested with parasitic worms.

On October 5 and 10, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 boxes of tullibees at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 1 and 4, 1938, by the Selvog Fish Co. from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On October 20 and 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29635. Adulteration and misbranding of horseradish. U. S. v. 17 Gallon Jars of Horseradish. Default decree of condemnation and destruction. (F. & D. No. 42992. Sample No. 25475–D.)

This product was represented to be horseradish, but in fact consisted of foreign plant tissue, principally parsnip, with no horseradish tissue present.

Furthermore, the quantity of contents was not declared.

On or about June 29, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 gallon jars of horseradish at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about June 7, 1938, by New Jersey Empire Pickle Works, Inc., from Newark, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was unlabeled.

Adulteration was alleged in that a substance consisting principally of ground parsnips and containing no horseradish tissue had been substituted wholly or in part for horseradish. Misbranding was alleged in that the article was offered for sale under the distinctive name of another article, namely, horseradish. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package.

On October 27, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29636. Adulteration and misbranding of Lemonina. U. S. v. 63/4 Cases of Concentrated Lemonina. Default decree of condemnation and destruction. (F. & D. No. 43975. Sample No. 26260-D.)

This product was labeled to create the impression that it was concentrated lemon juice; whereas it consisted of a mixture of water, citric acid, lemon oil,

added coal-tar color, and a small proportion of lemon juice.

On September 26, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six and three-fourths cases of "Concentrated Lemonina" at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, by Chasers, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Lemonina * * * Lemonina Products Corp. New York, N. Y."

Adulteration was alleged in that an artificially colored solution of citric acid, flavored with lemon oil and containing an insignificant proportion of lemon juice but with an acidity adjusted to approximate concentrated lemon juice had been mixed and packed with it; and had been substituted wholly or in part for the article. Adulteration was further alleged in that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser were take and insteading and tended to deceive and instead the purchaser since they implied that the article was a concentrated lemon juice and, when prepared according to directions, would produce lemon juice; whereas an imitation lemon juice would be produced: (Bottle label) "Concentrated Lemonina * * * Pour Contents into clean gallon bottle, fill with water"; (bottle cap) "Lemonina Concentrated"; (circular) "* * * all of the pulp from freshly squeezed California Lemons is used in Lemonina Concentrate. A separation or precipitation of pulp from liquid may occur, as it does in freshly squeezed lemon juice. * * * Pour concentrate into clean gallon jug, fill with water to give full gallon of juice." Misbranding was alleged further in that the article was an imitation of another article, namely, concentrated lemon juice.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29637. Adulteration and misbranding of flour. U. S. v. 66 Bags and 4 Bags of Flour (and one similar seizure action). Decrees of condemnation.

Portion released under bond for uses other than human consumption.

Remainder ordered destroyed. (F. & D. Nos. 43124, 4358. Sample Nos. 37752-D, 38119-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested. One lot consisted of bleached flour which was not so labeled.

On July 27, July 28, and August 30, 1938, the United States attorneys for the Eastern District of Louisiana and the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 70 bags of flour at New Orleans, La., and 110 bags of flour at Mobile, Ala.; alleging that the article had been shipped on or about May 6 and May 19, 1938, by Sperry Flour Co., Western Division of General Mills, Inc., from San Francisco, Calif., and charging adulteration of all lots and misbranding of one lot in violation of the Food and Drugs Act. A portion was labeled in part: "Southern Gold Medal * * * Southeastern Division of General Mills, Inc." The remainder was labeled in part: "White Rose Soft Wheat * * * Milled Expressly for John E. Koerner & Co., Inc."

All lots were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances. The Gold Medal flour was alleged to be adulterated further in that bleached flour had been substituted wholly or in

part for natural flour.

The said Gold Medal brand was alleged to be misbranded in that the statement "Southern Gold Medal Flour Company * * * Two" was false and misleading and tended to deceive and mislead the purchasers when applied to an article which was in fact bleached flour.

On September 2, 1938, General Mills, Inc., appeared as claimant for the Gold Medal brand and filed an answer admitting that the article was adulterated in that it was insect-infested, and that it was misbranded as alleged in the libel, but denying that it was adulterated in that bleached flour had been substituted for natural flour. Judgment of condemnation was entered thereupon and the said lot was ordered released under bond, conditioned that it be reworked under the supervision of this Department for animal feed, or for some purpose other than human consumption. On October 14, 1938, no claimant having appeared for the lots seized at New Orleans, La., judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

20638. Adulteration of apples. U. S. v. 58 Bushels of Apples (and three other seizure actions). Decrees of condemnation. Product released under bond conditioned that deleterious ingredients be removed. (F. & D. Nos. 44145 to 44148, incl. Sample Nos. 38967-D, 38972-D, 38974-D.)

These apples were contaminated with lead and arsenic.

On or about October 5, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 454 bushels of apples at St. Louis, Mo.; alleging that the article had been shipped within the period from on or about September 26, 1938, to on or about September 29, 1938, by Cicardi Bros., in part from Kampsville, Ill., and in part from Grafton, Ill.; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Jos. F. Kamp Pkg. Co., Kampsville, Ill." The remainder was labeled: "Grown by Harry Lorsbach, Grafton, Ill."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients which might have rendered it injurious to health.

On October 17, 1938, Cicardi Bros. Fruit & Produce Co., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that the deleterious ingredients be removed.

M. L. Wilson, Acting Secretary of Agriculture.

29639. Adulteration of erab apples. U. S. v. 9 Boxes of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 44172. Sample No. 20327-D.)

This product was contaminated with arsenic and lead.

On October 3, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of crab apples at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about September 27, 1938, by M. P. O'Harra from Ashland, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or other deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29640. Adulteration of apples. U. S. v. 42 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43815. Sample No. 32760-D.)

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 bushels of apples at Chicago, Ill., alleging that the article had been shipped on or about August 17, 1938, from Benton Harbor, Mich., by the Pioneer Tomato Co. to itself at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "L. J. Grieser * * * Benton Harbor, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29641. Adulteration of crab apples. U. S. v. 10 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 43941. Sample No. 32790-D.)

This product was contaminated with arsenic and lead.

On August 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of crab apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by the Saugatuck Fruit Exchange from Saugatuck, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29642. Adulteration of apples. U. S. v. 11 Bushels and 8 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. Nos. 48898, 48937. Sample Nos. 22771-D, 32787-D.)

This product was contaminated with arsenic and lead.

On August 27 and August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 22 and August 24, 1938, by Nathan Tobias from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Erwin Weber R. 2 Benton Harbor, Mich."; or "Adam Krause R 3 Benton Harbor, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 14 and October 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29643. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43935. Sample Nos. 32783-D, 32784-D.)

This product was contaminated with arsenic and lead.

On August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by Chuck Miles from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Erwin Weber R-1 Benton Harbor, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29644, Adulteration of apples. U. S. v. 65 Bushels of Apples. Consent decree of condemnation with provision for release for removal of deleterious ingredients. (F. & D. No. 44348, Sample No. 32845-D.)

This product was contaminated with arsenic and lead.

On October 8, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 bushels of apples at Hammond, Ind.; alleging that the article had been shipped in interstate commerce on or about October 3, 1938, from Fennville, Mich., by Hoess Bros., to themselves at Hammond, Ind.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 15, 1938, John P. Hoess, of Hoess Bros., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with a provision that the product might be released to claimant on condition that the deleterious ingredients be removed before its being disposed of.

M. L. Wilson, Acting Secretary of Agriculture.

29645. Adulteration of apples. U. S. v. 15 Bushels of Jonathan Apples. Default decree of condemnation and destruction. (F. & D. No. 44242. Sample No. 32171-D.)

This product was contaminated with arsenic and lead.

On October 1, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Milwaukee, Wis.; alleging that the article had been transported in interstate commerce on or about September 27, 1938, from Benton Harbor, Mich., by Goldman & Lamping to themselves at Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "John Antes, R 1 Coloma, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to

health.

On October 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Sccretary of Agriculture.

29646. Adulteration of apples. U. S. v. 20 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43976. Sample No. 32794-D.)

This product was contaminated with arsenic and lead.

On August 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on about August 25, 1938, by Benjamin Scherer from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29647. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43977. Sample No. 33369-D.)

This product was contaminated with arsenic and lead.

On or about September 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of apples at St. Louis, Mo.; alleging that the article had been transported in interstate commerce on or about September 15, 1938, by Max Sherman from Benton Harbor, Mich., to himself at St. Louis, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Harold Hiler R. 2 Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29648. Adulteration of apples. U. S. v. 119 Bushels and 17 Bushels of Apples. Consent decrees of condemnation and destruction. (F. & D. No. 44057, Sample No. 38492-D.)

This product was contaminated with arsenic and lead.

On or about September 19, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed

In the district court libels praying seizure and condemnation of 136 bushels of apples at Wichita Falls, Tex.; alleging that the article had been shipped from the State of Arkansas on or about September 6, 1938, by George Fudge [from Rogers, Ark.]; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 15, 1938, the shipper having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29649. Adulteration and misbranding of canned pimientos. U. S. v. 150 Cases, 24 Cases, and 25 Cases of Canned Pimientos. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 43893, 43894, 43895. Sample Nos. 20201-D, 20202-D, 20203-D.)

All lots of this product were found to be falsely labeled with regard to the name of the packer and the place of manufacture. One lot was in part

decomposed.

On September 14, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned pimientos at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, from Wayside, Ga., by the Georgia Canning Co., Inc.; and charging adulteration with respect to a portion, and misbranding with respect to all lots, in violation of the Food and Drugs Act. The article was labeled in part: "Mariposa [or "Masterpiece"] Brand."

Adulteration was alleged with respect to one lot of the Masterpiece brand in that the article consisted wholly or in part of a decomposed vegetable substance. All lots were alleged to be misbranded in that the statements on the labels.

"California Pimientos * * * Packed by California Sanitary Company, Ltd. Los Angeles California," were false and misleading and tended to deceive and mislead the purchaser since the product was not packed by that firm.

On October 15, 1938, the California Sanitary Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled or reconditioned, and should not be sold or otherwise disposed of in violation of the law.

M. L. Wilson, Acting Secretary of Agriculture.

29650. Adulteration and misbranding of horseradish. U. S. v. 13 Cases of Korseradish (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43189, 43288, 43471. Sample Nos. 14628-D, 25980-D, 25981-D, 35461-D, 35462-D.)

This product contained a considerable amount of a plant tissue resembling turnips or parsnips. Certain lots bore no statement of the quantity of the

contents.

On July 28, and August 13 and 25, 1938, the United States attorney for the District of Massachusetts and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 13 cases, 48 gallon jugs, and 12 dozen jars of horseradish at Boston, Mass., and 5 gallon jugs and 35 quart jars of horseradish at Asbury Park, N. J.; alleging that the article had been shipped in interstate commerce within the period from on or about June 30, 1938, to on or about July 28, 1938, by the Monmouth Packing Co., Inc., from Long Island City, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Colonial Brand, Colonial Packing Co., Inc., Brooklyn, N. Y."; "Colonial Brand * * * Monmouth Packing Co., Inc. Long Island City, N. Y."; "Muri Brand * * * New England Importation Co. Boston Mass., Distributors."

Adulteration was alleged in that turnips in some instances, and parsnips in others, had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength; and had been substituted wholly or in part with the article. Adulteration was alleged further in that the article had

been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Horse Radish," on the label, was false and misleading, and tended to deceive and mislead the purchaser when applied to an article consisting in some instances of horseradish and turnips,

and in others of horseradish and parsnips. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article. Certain lots of the article were alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4 and October 31, 1938, no claimant having appeared, judgments of

condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29651. Misbranding of Marshak's Mixit. U. S. v. 46% Dozen Jars of Marshak's Mixit. Default decree of condemnation and destruction. (F. & D. No. 43879. Sample No. 26422-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; whereas it was found to consist of a chocolate-flavored sugar and dextrose sirup, containing a very small amount of, if any, malted milk. The quantity of the contents was not plainly and conspicuously marked on the

outside of the package.

On or about September 15, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46% dozen jars of Marshak's Mixit at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Marshak Maltmolak Co., Inc., from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marshak's Mixit * * * 19 oz. Net Avdp. Marshak Co., Brooklyn, N. Y."

Misbranding was alleged in that the statement on the label, "Contains Sugar, Cocoa and Malted Milk Chocolate Malted Milk," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sugar, dextrose, cocoa, and water, containing little or no malted milk. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and was not in terms of the largest unit.

On October 28, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29652. Adulteration of cauliflower. U. S. v. 497 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. No. 44205. Sample No. 26587-D.)

This product was contaminated with arsenic.

On October 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 497 crates of cauliflower at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 25, 1938, by C. Taketa from Fir, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Portland Rose Brand Cauliflower."

The article was alleged to be adulterated in that it contained an added

poisonous ingredient, arsenic, which might have rendered it injurious to health.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29653. Adulteration of tullibees. U. S. v. 11 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. No. 44209. Sample No. 13051-D.)

This product was infested with parasitic worms.

On October 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of tullibees at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lake of the Woods Tullibees."

It was alleged to be adulterated in that it consisted in part of a filthy animal

substance and in that it consisted of portions of animals unfit for food.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29654. Adulteration and misbrauding of horseradish. U. S. v. 15 Cases and 9 Cases of Horseradish. Default decrees of condemnation and destruction. (F. & D. Nos. 43091, 43092. Sample Nos. 25986-D, 25988-D.)

One lot of this product consisted largely of parsnip with little, if any, horse-radish; the other lot consisted of horseradish and a considerable amount of

parsnip.

On July 20, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of horseradish at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about May 21, 1938, and in part on or about June 2, 1938, by the New Jersey Empire Pickle Works, Inc., from Newark, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Boyd Brand Prepared Horse Radish."

Adulteration of a portion was alleged in that parsnip had been mixed and packed with it so as to reduce or lower its quality, and had been substituted wholly or in part for the article. Adulteration of the remainder was alleged in that parsnip had been mixed with it so as to lower or reduce its quality, and in that horseradish and a considerable amount of parsnip had been substituted wholly or in part for the article. Adulteration of both lots was alleged in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Horse Radish" was false and misleading and tended to deceive and mislead the purchaser. Further misbranding was alleged in that the article was an imitation of and was offered for sale under the distinctive name of another article, horseradish.

On September 28, 1938, no claimant having appeared, judgments of condemna-

tion were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29655. Adulteration of flour. U. S. v. 18 Bags and 498 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43593, 44025. Sample Nos. 9188-D, 38445-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31 and on or about September 28, 1938, the United States attorneys for the Eastern District of Arkansas and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 bags of rye flour at Little Rock, Ark., and 498 bags of flour at Houston, Tex.; alleging that the article had been shipped by the Pillsbury Flour Mills Co., in part on or about June 15, 1938, from Portland, Oreg., and in part on or about July 9, 1938, from Springfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury's Artex Dark Rye Flour," or "Pillsbury Blue Top Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On September 30 and October 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29656. Adulteration of dried prunes. U. S. v. 50 Cases of Dried Prunes (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43930, 43931, 43932, 44028. Sample Nos. 35482-D, 35485-D, inclusive, 35488-D, 35662-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of the examination found to be insect-infested.

On September 23 and 29, 1938, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 839 cases of dried prunes at Boston, Mass.; alleging that the article had been shipped on or about August 4, 1938, by Rosenberg Bros. & Co. from Portland, Oreg.; and charging

adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Northland Brand Oregon Prunes."

Adulteration was alleged in that the article consisted in whole or in part of a

filthy vegetable substance.

On October 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29657. Adulteration of frozen eggs. U. S. v. 200 Cases and 400 Cases of Whole Eggs. Consent decree of condemnation. Product released under bond conditioned that the decomposed portion be denatured or destroyed. (F. & D. Nos. 441186, 44187. Sample Nos. 25612-D, 25613-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

in part decomposed.

On October 17, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 600 cases of frozen eggs at Jersey City, N. J.; alleging that the article had been shipped on or about August 19 and September 7, 1938, by Ralph Hurst & Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Whole Eggs."

It was alleged to be adulterated in that it consisted in whole or in part of a

decomposed animal substance.

On October 20, 1938, the cases having been consolidated and Ralph Hurst & Co., Inc., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed or denatured.

M. L. Wilson, Acting Secretary of Agriculture.

29658. Misbranding of canned mackerel. U. S. v. 49 Cases of Mackerel. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43929. Sample No. 19189-D.)

This product was short weight.

On or about September 26, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned mackerel at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, by Coast Fishing Co. from Wilmington, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "King Solomon Brand Fancy Mackerel Contents 1 Lb."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was false and misleading and tended to deceive and mislead the purchaser since it was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the

package, since the quantity stated was not correct.

On October 7, 1938, the Coast Fishing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29659. Misbranding of lemon cocktail mixer. U. S. v. 23 and 11 Gallon Jugs of Lemon Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 43888. Sample Nos. 25726-D, 26498-D.)

This product was an artificially colored citric acid solution flavored with

essential oil, and it contained little or no lemon juice.

On September 14, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 gallon jugs of lemon cocktail mixer at Elizabeth, N. J.; alleging that the article had been shipped in interstate commerce in various shipments on or about April 12, June 25, and August 23, 1938, by Tavern Fruit Juice Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Arro Brand Lemon Cocktail Mixer * * * Bottled For J. B. Samuel * * * Elizabeth, N. J."

It was alleged to be misbranded in that the name "Lemon Cocktail Mixer," which was prominently displayed, and the statement "Use as the Juice of Fresh Fruit," bore on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an imitation lemon juice containing little or no lemon or other fruit juice. It was alleged to be misbranded further in that it was an imitation of another article.

On October 13, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29660. Misbranding of canned tomatoes. U. S. v. 253 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43661. Sample No. 29117-D.)

This product was substandard because the fruit was not normally colored,

and it was not labeled to indicate that it was substandard.

On September 2, 1938, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 cases of canned tomatoes at Albemarle, N. C.; alleging that the article had been shipped in interstate commerce on or about July 26, 1938, by Ruby Canning Co. from Ruby, S. C.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lord Chesterfield Brand Tomatoes."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the fruit was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by

the Secretary indicating that it fell below such standard.

On September 22, 1938, the Ruby Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29661. Misbranding of canned peas. U. S. v. 404 Cases of Canned Peas. Default deeree of condemnation and destruction. (F. & D. No. 41897. Sample No. 16837-D.)

This product was substandard because the peas were not immature, and it

was not labeled to indicate that it was substandard.

On March 7, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 404 cases of canned peas at Fairmont, W. Va.; alleging that the article had been shipped on or about February 2, 1938, by the Greenmount Canning Co. from Greenmount, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "B-N-L Brand Run of Pod Early June Peas."

Misbranding was alleged in that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department

indicating that it fell below such standard.

On May 19, 1938, the United States marshal having seized 53 cases of the product and no claimant having appeared, judgment of condemnation and destruction was entered. Other lots of the goods covered by the libel in the total amount of 210 5/10 cases were located subsequently and ordered seized May 27, 1938. On November 1, 1938, no claimant having appeared for these additional lots, judgment of condemnation was entered and they were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29662. Misbranding of canned mackerel. U. S. v. 98 Cases of Mackerel. Decree of condemnation. Product released under bond to be relabeled. (F. & Sample Nos. 2039-D, 20310-D.)

This product was short of the declared weight.

On October 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned mackerel at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about September 18, 1938, by American Shippers

Association from Los Angeles, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "King Solomon Brand Fancy Mackerel Contents 1 lb. * * * Distributed by

Coast Fishing Co., Wilmington, Cal."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 31, 1938, the Coast Fishing Co. having appeared as claimant,

On October 31, 1938, the Coast Fishing Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of this Department, and not

disposed of contrary to law.

M. L. Wilson, Acting Secretary of Agriculture.

29663. Adulteration of tomato purce. U. S. v. 48 Cases of Tomato Purce (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41826, 41829, 41971. Sample Nos. 768-D, 9514-D, 16417-D.)

This product contained excessive mold.

On February 24 and 28, and March 15, 1938, the United States attorneys for the Western District of Pennsylvania and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 62 cases of tomato puree at Pittsburgh, Pa., and 19 cases of tomato puree at Jacksonville, Fla.; alleging that the article had been shipped in the period from on or about November 1, 1937, to on or about January 19, 1938, by the Beechnut Packing Co. from Rochester, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beechnut Tomato Puree."

Adulteration was alleged in that the article consisted wholly or in part of a

filthy and decomposed vegetable substance.

On October 14 and 19, 1938, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29664. Adulteration of corn meal. U. S. v. 20 Bags and 37 Bags of Corn Meal. Default decree of condemnation. (F. & D. Nos. 43581, 43582. Sample Nos. 37966-D, 37967-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On or about September 13, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bags of corn meal at Hattiesburg, Miss.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by Mountain City Mill Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Stone Ground Unbolted Meal."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On October 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided by law.

M. L. Wilson, Acting Secretary of Agriculture.

29665. Misbranding of olive oil. U. S. v. 12 Cans of Olive Oil. Default decree of condemnation. Product delivered to public institution. (F. & D. No. 41836. Sample No. 14952-D.)

This product was short of the declared volume.

On February 26, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of olive oil at Tacoma, Wash.; alleging that the article had been shipped in interstate commerce on or about September 8, 1936, from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Virgin Olive Oil Net Contents ½ Gallon Packed for G. Simi Parodi, Erminio & Co., Distributors, San Francisco."

Misbranding was alleged in that the statement "Net Contents ½ Gallon" was false and misleading and tended to deceive and mislead purchasers; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

M. L. Wilson, Acting Scaretary of Agriculture.

29666. Adulteration of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44241. Sample Nos. 19533-D, 27046-D.)

This product contained less than 80 percent of milk fat.

On October 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 6, 1938, by Kelliher Creamery Co. from Kelliher, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided

by act of March 4, 1923.

On October 25, 1938, the Kelliher Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. Wilson, Acting Secretary of Agriculture.

29667. Adulteration and misbranding of cheese. U. S. v. 100 Cases of Cheddar Cheese. Decree of condemnation. Product released under bond for reprocessing. (F. & D. No. 43677. Sample No. 19174-D.)

This product was deficient in fat.

On September 2, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of cheese at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about July 30 and August 6, 1938, by the Brooklawn Creamery Co. from Panguitch, Utah; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whole Milk Cheddar Cheese."

Adulteration was alleged in that a substance deficient in fat had been mixed and packed with the article so as to reduce or lower its quality. Misbranding was alleged in that the statement "Whole Milk Cheddar Cheese" was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat. It was alleged to be misbranded further in that it was

offered for sale under the distinctive name of another article.

On October 20, 1938, the Brooklawn Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reprocessed under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29668. Misbranding of butter. U. S. v. Estal Draut (Rising Sun Creamery Co.).
Plea of guilty. Fine, \$25. (F. & D. No. 42566. Sample Nos. 1911-D, 4207-D.)

This product was short weight.

On September 23, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Estal Draut, trading as the Rising Sun Creamery Co., Rising Sun, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 6 and May 13, 1938, from the State of Indiana into the State of Ohio of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Red Ribbon Creamery Butter" * * The Churn Gold Corporation, Cincinnati, Ohio,

Wholesale Distributors"; (wrapper on cube) "Wholesale Distributors The

Andrew Rohan Co., Cincinnati, Ohio."

Misbranding was alleged in that the statements "One Pound Net," borne on the carton, and "4 ounces net," borne on the wrapper, were false and misleading and tended to deceive and mislead the purchasers since the carton and wrapper did not contain 1 pound net and 4 ounces net, respectively, of the article, but did contain less amounts.

Misbranding was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside

of the package since the statement made was not correct.

On October 17, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

29639. Adulteration and misbranding of vauilla extract. U. S. v. 141 Bottles and 237 Bottles of Vanilla Extract (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42971 to 42974, incl. Sample Nos. 3841-D, 3842-D, 5625-D, 5710-D.)

This product was represented to be pure vanilla extract; but examination showed that it was an imitation vanilla extract containing added vanillin and artificial color, and little or no true vanilla. One lot failed to bear on the label

a statement of the quantity of contents.

On June 25, 27, and 29, 1938, the United States attorneys for the Northern and Western Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 378 bottles of vanilla extract at Fort Worth, Tex., 236 bottles at San Antonio, Tex., and 286 bottles of the same product at Fort Bliss, Tex.; alleging that the article had been shipped in interstate commerce on or about April 5 and May 7, 1938, by the de Calais Laboratorie from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Perfection Brand Pure Vanilla Extract * * * R. C. Williams & Co., Inc., Distributors New York, N. Y."

Adulteration was alleged in that an artificially colored imitation vanilla extract containing added vanillin and little or no vanilla had been substituted in whole or in part for the article. Adulteration was alleged further in that the article had been mixed and colored in a manner whereby inferiority was

concealed.

Misbranding was alleged in that the statement "Pure Vanilla Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation vanilla extract and in that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged further with respect to a portion of the article in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 12 and November 4 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29670. Misbranding of canned peas. U. S. v. 76 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 43740. Sample No. 26680-D.)

This product was substandard because the peas were not immature, and it

was not labeled to indicate that it was substandard.

On September 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about October 13, 1937, and in part on or about June 17, 1938, by the H. J. McGrath Co. from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "McGrath's Early June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that

it fell below such standard.

On October 20, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for consumption, not for sale.

M. L. Wilson, Acting Sceretary of Agriculture.

29671. Adulteration of canned salmon. U. S. v. 7 Cases and 640 Cases of Canned Salmon (and one similar seizure action). Consent decree of condemnation. Product released under bond. (F. & D. Nos. 44199, 44200, 44215, 44216, 44217. Sample Nos. 4039-D, 40534-D, 40536-D, 40606-D, 40607-D, 40637-D, 50833-D, 50834-D, 50835-D, 50847-D.)

This product was found to be in part decomposed.

On October 18 and October 21, 1938, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,117 cases of unlabeled canned salmon at Seattle, Wash.; alleging that the article had been shipped in interstate commerce within the period from on or about August 4, 1938, to on or about September 13, 1938, by the North Pacific Sea Foods, in part from Valdez, Alaska, and in part from Dayville, Alaska; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a decomposed animal substance.

On October 29, 1938, the cases having been consolidated and the North Pacific Sea Foods Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. Wilson, Acting Sceretary of Agriculture.

29672. Adulteration of frozen blueberries. U. S. v. 1.500 Cases of Frozen Blueberries. Consent decree of condemnation. Product released under bond. (F. & D. No. 42963. Sample Nos. 12733-D, 12734-D, 12735-D.)

This product having been imported and remaining unsold and in the original

packages, was found at the time of examination to be in part moldy.

On June 23, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,500 cases of frozen blueberries at New York, N. Y.; alleging that the article had been shipped on or about May 14, 1938, by the Monroe Export Co., Ltd., from St. John's Newfoundland; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy, decomposed, and putrid vegetable substance.

On October 29, 1938, the Monroe Export Co., Ltd., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good be separated from the bad and that only those berries found to be free from mold be disposed of for human consumption.

M. L. Wilson, Acting Secretary of Agriculture.

29673. Adulteration of candy. U. S. v. 17 Boxes of Caudy. Default decree of condemnation and destruction. (F. & D. No. 43549. Sample No. 23953-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package, was at the time of examination found to be insect-infested.

On September 1, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 boxes of candy at Galveston, Tex.; alleging that the article had been shipped on or about February 23, 1938, by Blumenthal Bros. from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29674. Adulteration and misbranding of fruit butter. U. S. v. 10 Cases of Pine-apple and Orange Butter, and 8 Cases of Fig and Orange Butter. Default decree of condemnation and destruction. (F. & D. Nos. 43885, 4386. Sample Nos. 20083-D, 20084-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to show evidence of fermentation in some of the jars. The net weight was not

plainly and conspicuously declared.
On September 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of fruit butters at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about August 10, 1938, by Pure Foods Corporation from Los Angeles, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Golden Flow Brand Pure Pineapple & Orange [or "Fig & Orange"] Butter

* * Net Contents 5 Oz." The figure 5 had been written in ink over the printed figure 6, and in many instances the 5 was not recognizable and the 6 was plainly visible.

The articles were alleged to be adulterated in that they consisted in whole or

in part of decomposed vegetable substances.

They were alleged to be misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 4, 1938, no claimant having appeared, judgment of condemnation

was entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of pears. U. S. v. 14 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. No. 43943. Sample No. 32795–D.) 29675. Adulteration of pears.

This product was contaminated with arsenic and lead.

On August 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 25, 1938, by P. Furchtsam & Son from South Haven, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29676. Alleged adulteration and misbranding of Kololiva and Olivaromol. U. S. v. 1 Can of Kololiva (and one similar seizure action). Tried to the court without a jury. Judgment dismissing libels. (F. & D. Nos. 36547, 36613. Sample Nos. 43459-B, 43471-B.)

On October 31 and November 12, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of one can of Kololiva and one container of Olivaromol at Boston, Mass.; alleging that the articles had been shipped in interstate commerce on or about September 14 and October 4, 1935, from Brooklyn, N. Y., by David Kleckner & Son, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The charges appear in the opinion.

On November 18, 1935, David Kleckner & Son, Inc., appeared as claimant and filed answers denying the allegations of the libels. On May 5, 1938, the cases having been consolidated and trial of the issues by jury having been waived, the consolidated case came on for trial before the court, whereupon evidence was adduced, arguments were heard, and the case was submitted to the court upon libelant's and claimant's respective motions for judgment and

costs. Decision was reserved.

On June 21, 1938, the court handed down the following opinion, denying libelant's and granting claimant's motion for judgment, but denying claimant's motion for costs:

(McClellan, Judge) "These libels, one for the condemnation of a can of Kololiva and the other for the condemnation of a container of Olivaromol, were tried without a jury. Both articles were shipped by the claimant in interstate commerce, and at the times of the filing of the libels, both articles remained unsold in the possession of the consignee and within the jurisdiction of this court.

"The can of Kololiva was labeled: 'Kleckner's 10 kilos Kololiva Grade A Soluble in Fats & Oils David Kleckner & Son, Inc. Importers and Manufac-

turers 4304-12th Avenue Brooklyn, N. Y.

"The libel alleges and the claimant denies that this article is adulterated in violation of Section 7 of the Food and Drugs Act, in that it contains added poisonous and deleterious ingredients, lead and copper, which may render it harmful to health. The libel also alleges and the claimant denies that this article is misbranded in violation of Section 8 of the Food and Drugs Act, in that the name 'Kololiva' deceives and misleads the purchaser in that it suggests that this is a product containing olive oil or a color derived from olive oil, and in that it was sold under the distinctive name of another article.

"The libelant at the trial abandoned the claim as to the copper content of

the article.

"The product Kololiva is prepared by mixing 75 pounds of coconut oil with 25 pounds of chlorophyll in an enamel kettle and heating it. The evidence discloses nothing with reference to the coconut oil requiring comment. Judicial notice may be taken of the fact that chlorophyll is the green coloring matter of plants, and that, owing to its instability, it has never been obtained absolutely pure. According to Dr. J. Stewart Rooney, a qualified toxicologist, who was called as a witness by the libelant, commercial chlorophyll contains some lead. The chlorophyll used by the claimant was purchased from Merck & Co., Inc., manufacturing chemists, who represented the product as a purely vegetable green color obtained from Germany. Though the libelant's brief suggests that the lead in Kololiva might have been absorbed in part from solder in the can, there is no adequate evidence that the lead there contained was derived from any other source than from the unstable chlorophyll.

"Kololiva, composed as heretofore stated, of coconut oil and chlorophyll, is a coloring compound which is sold to dealers who use it for blending, mixing, or compounding edible oils. It is not sold for consumption as such. The dealers mix about two pounds of Kololiva with about a gallon of edible oil, and then about 2 ounces of this mixture is combined with a barrel (about 50 gallons) of edible oil. This product is then distributed by the dealer to retailers or

consumers. The consumer uses the final product with food in somewhat the ratio of an ounce of the oil to 2 pounds of food.

"The parties have stipulated and I find that in its original state the Kololiva here involved contained 81 parts of lead to 1,000,000 parts of the whole product. In view of the fact that lead is a cumulative poison, I daresay that if Kololiva were intended or used as a food in its original state, the amount of lead therein would be such as to render it harmful to health. But Kololiva, as such, is not used for food, drink, confectionery, or condiment. It is used as a coloring compound in the mixing or blending of edible oils, which edible oils are consumed usually with food. Without pausing to complete the arithmetical process, it seems sufficient to say that when 2 pounds of Kololiva is combined with a gallon of edible oil, and 2 ounces of this mixture is combined with a barrel of about 50 gallons of edible oil, the proportionate part of lead in the final product is insignificant, even when increased by the amount of the lead content in the other product called Olivaromol. The statute only condemns food containing an added poisonous or other added deleterious ingredient when such addition might render the article of food injurious to health. See *United States of America* v. Lexington Mill & Elevator Company, 232 U. S. 399, 58 Law. Ed. 658. The test is not the proportionate amount of lead in Kololiva, but the amount thereof contained in the final product intended to be consumed by the public. See Four Hundred and Forty-three Cans of Frozen Egg Product v. United States of America, 226 U. S. 172, 57 Law. Ed. 174. Applying this test and guided largely by the testimony of the libelant's own expert as to the harmlessness of such a small quantity of lead as is contained in the final product, I conclude that the Kololiva here involved is not an adulterated food containing 'added poisonous or other added deleterious ingredient which may render such article injurious to health,' within the meaning of Section 7 of the Food and Drugs Act.

"The libelant has not sustained the burden of showing that Kololiva deceives and misleads purchasers in that it suggests that it contains olive oil or a color derived from olive oil. See United States of America v. Lexington Mill & Elevator Company, supra; United States v. Washington Dehydrated Food Company,

89 Fed. (2d) 606.

"On the question whether Kololiva was sold under the distinctive name of another article, a certified food color, the evidence was conflicting and I find

that it was not so sold.

"In the case against Kleckner's Olivaromol, the libel states in substance that Olivaromol is adulterated in violation of Section 7 of the Food and Drugs Act in that it contains an added poisonous and deleterious ingredient, lead, which may render it harmful to health. It is alleged further that the article is misbranded in violation of Section 8 of the Food and Drugs Act, in that the name 'Olivaromol' appearing upon the label is false and misleading and tends to deceive and mislead the purchaser in that it creates the impression that the article is a flavor derived from olives or olive oil.

"Olivaromol contains coconut oil, certain ethers, a yellow color (AB color) certified by the Department of Agriculture, and an amount of chlorophyll. It is not, as such, intended for human consumption, but it is a flavoring only. As stipulated, Olivaromol contains 94 parts of lead to 1,000,000 parts of the total product. This product finds its way into the edible oil designed for human consumption in substantially the same proportions as in the case of Kololiva.

"The amount of lead which, through the medium of Olivaromol and Kololiva, reaches the final product is so insignificant as, on the basis of the testimony of the libelant's expert, almost require a finding that neither of the claimant's products contained a sufficient quantity of lead to render the ultimate article

possibly harmful to health.

"It is true that the claimant's trade mark covers the word 'Oleveromol,' and that the label on the can seized had on it the word 'Olivaromol.' The label, however, was an old one, and I am satisfied it was used by mistake. See *United States* v. S. Gumpert et al., (C. C. New York), White & Gate's book on the Food and Drugs Act, page 182.

"What has been said as to the alleged charge of a misbranding in connection with Kololiva applies in the main to Olivaromol. The libelant has not sustained the burden of showing a misbranding within the meaning of the Food

and Drugs Act.

"In each case the libelant's motion for judgment is denied.

"The claimant moves for judgment and for costs. In each case a judgment or decree is to be entered denying condemnation and directing the return of the seized article by the marshal to the claimant, but upon the authority of *United States v. French Sardine Company, Inc.*, 80 Fed. (2nd) 325, that portion of the claimant's motions for judgment seeking the assessment of costs against the United States is denied."

On October 18, 1938, judgment was entered ordering that the libels be dis-

missed and that the products be returned to the claimant.

M. L. Wilson, Acting Secretary of Agriculture.

29677. Adulteration and misbranding of cheese. U. S. v. 80 Cases, 35 Cases, and 35 Cases of Creamed Old English Cheese. Tried to the court. Judgment for the Government. Decrees of condemnation and destruction. (F. & D. Nos. 37654, 37705. Sample Nos. 63223-B, 63270-B, 63271-B.)

This product contained added red pepper.

On April 25 and May 2, 1936, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 cases, each containing 60 half-pound packages of cheese, at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce, within the period from on or about April 9, 1936, to on or about April 23, 1936, by the Kraft-Phenix Cheese Corporation from Green Bay, Wis.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Creamed Old English Cheese."

Adulteration was alleged in that cheese containing added red pepper had been mixed and packed with the article so as to reduce or lower its quality or strength; in that cheese containing added red pepper had been substituted in whole or in part for the article; and in that it was mixed in a manner

whereby inferiority was concealed.

Misbranding was alleged in that the statements on the label, "Old English Cheese * * * Sharp, Aged Cheese Pasteurized with added cream * * * The Choice of the Cheese Connoisseur * * * with a bit of tingle on the tongue * * rare, sharp, old Cheddar, unmistakably," were false and misleading and tended to deceive and mislead the purchaser when applied to cheese containing added red pepper.

On June 9, 1936, the Kraft-Phenix Cheese Corporation entered an appearance and filed a claim and answer denying the adulteration and misbranding charges. A jury having been waived, the cases were consolidated and tried to the court on November 19 and 20, 1937 and were argued November 30, 1937. On January 17, 1938, findings of fact and conclusions of law in favor of the Government were filed with the following memorandum made a part thereof:

(NORDBYE, District Judge) "These three cases all involve the seizure by the Government of certain packages of creamed Old English cheese at the warehouses of the Kraft-Phenix Cheese Corporation in the city of Minneapolis, Minn. The cases were tried on November 19 and 20, 1937, and arguments were heard on

November 30, 1937.

"It is conceded that the cheese was shipped in interstate commerce and at the time of seizure, it remained in the original unbroken packages in possession of the claimant. It is also conceded that at the time this product was manufactured, the following formula was used: 220 pounds of cheese; 100 pounds 30 percent of sweet cream; 3 pounds of salt; and 1 ounce of Cavenne pepper.

30 percent of sweet cream; 3 pounds of salt; and 1 ounce of Cayenne pepper. "The Government contends that the seizure was justified by reason of the addition of the Cayenne pepper; first, that this addition constitutes adulteration; and second, that the package is misbranded in that it would lead one to believe that the cheese contained therein is free from Cayenne pepper.

"Cheddar cheese originated in England; and the word 'Cheddar' comes from the town in England called Cheddar, where presumably this type of cheese originated. Cheddar cheese is now a very common American product and is in fact synonymous with American cheese. It appears from the testimony that in the manufacture of creamed Old English cheese, the Kraft people purchase Cheddar cheese from various markets, then age it in their storage rooms, and after it has become sufficiently aged, it is ground, pasteurized, cream is added, and an ounce of Cayenne pepper is introduced as indicated by the above formula. The product, therefore, is a cooked cheese. The amount of the red pepper that is found in the one-half pound packages, which is the weight of the product that is sold to the trade, amounts to about one thirty-second of a teaspoonful. It does not appear clearly from the testimony just when Kraft began to add Cayenne pepper in the manufacture of this cheese. The seizure was made in 1936, and undoubtedly the pepper had been an ingredient for some years. Whether creamed Old English cheese contained pepper when it was first placed on the market does not appear from the testimony. It is fair to assume that the only purpose in adding the Cayenne pepper was on the assumption that it would accentuate the sharpness of the cheese, so that the customary and normal tingle of old Cheddar would be simulated. When the seizure was made, the Kraft company determined to eliminate the pepper, and now the Old English cheese is manufactured without that spice. The contention is made that one cannot detect the difference between the cheese which contains pepper and the cheese without. One of the claimant's own witnesses, however, seemed to detect some difference and said that after the cheese containing pepper had been swallowed, there was a slight burning sensation in the back of the throat, which did not appear after eating old Cheddar.

"There was some testimony introduced that the claimant utilized the red pepper so that it might disguise the use of young cheese; that is, old Cheddar must be sufficiently aged to bring out the flavor and other characteristics, and that if young cheese could be used with old cheese, there would be a saving in the cost because normally old cheese will cost more than young, unripe cheese. However, this assumption on the part of the Government witness was largely overcome by the direct and positive testimony of the claimant that it at no time has ever used a young cheese in the manufacture of Old English, and the probabilities are that the manager of the Kraft plant took it upon himself to add the Cayenne pepper thinking it would simulate the peculiar tingle and sharpness for which old Cheddar cheese is noted. It may be entirely probable that the pasteurization in the cooking of the cheese may reduce somewhat the flavor that is found in the natural cheese, and it was assumed that the addition of the pepper would produce a flavor similar to that found in the raw product.

"On this showing, can it be held that the addition of Cayenne pepper constitutes adulteration within the meaning of the act? The act provides (Title 21

USCA Sec. 8):

For the purposes of sections 1 to 15 inclusive, of this title, an article shall be deemed to be adulterated; * * * In the case of food: * * * Substitutes.—Second. If any substance has been substituted wholly or in part for the article.

"Red pepper is not harmful or deleterious to the health when used as a season-Many wholesome products have Cayenne pepper as an ingredient without harm to the user. The Government has not sustained its contention that young Cheddar cheese was used, and that the pepper was added to disguise that fact. Manifestly, however, the claimant added the pepper for some purpose. It did not intend to market a cheese and assume that the public would understand that its flavor was at least partially due to the addition of red pepper. It scrupulously refrained from indicating to its customers that any such ingredient was contained in the cheese. It intended the public to believe that it was purchasing an old Cheddar cheese pasteurized with cream added,—nothing else. article, old Cheddar cheese, has a definite flavor. It leaves a tingle on the tongue, and the claimant substituted in part red pepper for that portion of the cheese which normally imparts that flavor. Such must have been the intent of the claimant, and clearly that was the result. Cheddar cheese does not contain pepper, and in view of the label and descriptive matter contained on the package, the article was sold to the public and presumably purchased by it under the assumption that the package contained nothing but that which was stated thereon. While the court does not find that the article has been necessarily reduced or lowered in strength by the addition of the pepper, nor that any inferiority was concealed thereby, nevertheless, it seems impelling that the addition of the pepper tended to simulate the sharp flavor of natural Cheddar cheese, and that the accentuation of this flavor by the red pepper was intended to lead the public to believe that this sharp, biting taste was in fact the flavor normally associated with aged Cheddar. While experts might be able to distinguish the pepper and thus not be deceived, the ordinary person might well assume that the slight burning sensation is due to the natural age and sharpness of the cheese, rather than to the substitution which is present.

"That the cheese is misbranded in violation of the Food and Drugs Act seems reasonably clear. Notwithstanding that well-known cheeses may contain condiments, and that such a definition of cheese is recognized by the bulletins of the Department of Agriculture, it is conceded that Cheddar cheese never contains pepper. The average, normal person in reading the entire label on the package in which the cheese is contained, would assume—and have the right to assume—that the product contained therein consisted only of Cheddar cheese pasteurized with cream added. Cheddar cheese manufactured in England never contains pepper, and it is significant that the claimant markets another cheese, and did market this cheese during the times referred to herein, under the name of 'Old English Cheese.' This cheese was not a cooked cheese, however, but apparently consisted of ground Cheddar cheese cold-packed in jars. This 'Old English Cheese' does not contain any condiment, and there is nothing to distinguish the distinctive label 'Old English Cheese' used in the marketing of these two cheeses, except that one is a pasteurized, cooked Cheddar cheese, and the other

is a natural Cheddar cheese prepared in the manner above indicated.

"It cannot be urged that any misbranding arises on account of the use of the term 'Old English,' in that it fairly appears that the product is manufactured in the United States by the claimant, but it is idle to contend that because some well-known cheeses contain pepper, the claimant can market this cheese, the package or label of which clearly leads the public to believe that it contains nothing but Cheddar cheese with cream added and not be chargeable with misbranding, if instead of being composed solely of Cheddar cheese and cream, it contains the added ingredient of Cayenne pepper. As before stated, it must be recognized that the pepper was added for only one purpose and that was to simulate the flavor of the best aged Cheddar cheese. was not added so as to provide a distinctive flavor, such as occurs in wellknown cheeses where spices and condiments have been added. There is no showing that the public by long usage have known that cheeses marketed by the claimant under the brand 'Old English' contain some spice or condiment. In fact, just the contrary appears because of the apparent secrecy regarding the use of any seasoning. Certainly, it may be reasoned that the label would deceive a person of ordinary prudence, and this is strikingly supported by the fact that this result was intended by the claimant.

"The fact that a comparatively small amount of seasoning was used is no defense. The same situation would exist if, instead of ½0 of a teaspoonful of red pepper being added to ½2 pound, the claimant had added a tablespoonful to the same quantity. While such a product would probably be unpalatable to most people, claimant's arguments would be just as sound if under such circumstances it intended that, by reason of the distinctive label and information

contained thereon, it would not be required to inform the public of the pepper that was added. Nor can the claimant be absolved from the restrictions of the act because it uses a distinctive name in marketing this product. It will be observed that the act specifically provides with reference to the use of distinctive names that it 'Shall not lead the purchaser to suppose that the product

is other than it is.

"The court has given a liberal construction to the act, both in regard to the provisions of adulteration and misbranding. It may be that the situation presented is not particularly aggravated in that the adulteration does not consist of a harmful ingredient, but in considering the purposes of the statute, it would seem that the Government's contentions must be sustained. One may observe in passing that to some persons red pepper may have a deleterious effect, particularly in that they may have an allergy for that substance. But whether the adulteration is harmful or not, the purchaser, in view of all the circumstances, is entitled to know whether he is obtaining pure Cheddar cheese, as the label indicates, or Cheddar cheese with an adulterated flavor.

"Let this memorandum be made a part of the foregoing findings of fact and

conclusions of law."

On February 5, 1938, the product having deteriorated so as to be valueless. judgments were entered ordering its destruction. The claimant noted an appeal from the judgment but by agreement the appeal was abandoned and was formally dismissed on September 13, 1938.

M. L. Wilson, Acting Secretary of Agriculture.

29678. Adulteration of candy. U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43669. Sample No. 23785-D.)

This product having been shipped in interstate commerce and remaining uusold and in the original packages, was at the time of examination found to be

insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy at Thibodaux, La.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.
On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29679. Adulteration of candy. U. S. v. 32 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43683, Sample No. 23784-D.) Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insectinfested.

On September 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 boxes of candy at Houma, La.; alleging that the article had been shipped in interstate commerce on or about February 7 and 24, 1938, by Bennett-Hubbard Candy Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cumberland Mt. Choc. Cream Drops."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29680. Adulteration of candy. U. S. v. 8 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43598. Sample No. 37706-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight boxes of candy at Thibodaux, La.; alleging that the article had been shipped on or about July 31, 1937, by Schutter-Johnson Candy Corporation from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29681. Adulteration of candy. U. S. v. 18 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43718. Sample No. 38066-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cartons of candy at Donaldsonville, La.; alleging that the article had been shipped in interstate commerce on or about May 16, 1938, by Baltimore Chewing Gum Co. from Baltimore, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29682. Adulteration of candy. teration of candy. U. S. v. 26 Cartons of Candy. Default decree condemnation and destruction. (F. & D. No. 43570. Sample No. 38223-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On September 1, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons of candy at Lockport, La.; alleging that the article had been shipped in interstate commerce on or about April 6, 1938, by Quaker City Chocolate & Confectionery Co., Inc., from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29683. Adulteration of candy. U. S. v. 26 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 44020. Sample No. 35489-D.) Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On October 3, 1938, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 26 boxes of candy at Portsmouth, N. H.; alleging that the article had been shipped on or about February 7, 1938, by the George Ziegler Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On November 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29684. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43528. Sample No. 38087-D.) Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Baton Rouge, La.; alleging that the article had been shipped on or about January 5, 1938, by Fenn Bros., Inc., from Sioux Falls, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29685. Misbranding of beef and bone scrap. U. S. v. 31 Bags of Beef and Bone Scrap. Default decree of condemnation and destruction. (F. & D. No. 44180. Sample No. 4864-D.)

Samples of this product were found to average 45.88 percent of protein.

whereas it was labeled as containing 50 percent.
On October 17, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bags of beef and bone scrap at Lineboro, Md.; alleging that the article had been shipped in inter-state commerce on or about September 9, 1938, by the Consolidated By-Product Co. from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Consolidated Beef & Bone Scrap * * * Guaranteed Analysis Protein 50%."

The article was alleged to be misbranded in that the statement "Protein 50%" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less than 50 percent of protein.

On November 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29686. Misbranding of canned peas. U. S. v. 223 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. &. D. No. 43459. Sample No. 32456-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 19, 1938, by the Krier Preserving Co. from Belgium, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunshade Brand Wisconsin Early Variety Peas."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 13, 1938, Wurm Bros. Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29687. Adulteration of pine nuts (Indian nuts). U. S. v. 19 Boxes of Pine Nuts (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43983, 43984, decrees of condemnation and destruction. 43985. Sample Nos. 25993-D, 25994-D, 26440-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain

animal excreta, pieces of wood, and stones.

On September 26, 1938, the United States attorneys for the District of New Jersey and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 94 boxes of pine nuts at Jersey City, N. J., and 34 boxes of pine nuts at Duryea, Pa.; alleging that the article had been shipped by Independent Halvah & Candies, Inc., from Brooklyn, N. Y., the former on or about September 7, 1938, and the latter on or about September 13, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a

filthy vegetable substance.

On November 2 and November 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29688. Adulteration of rice. U. S. v. 360 Bags of Rice. Default decree of condemnation and destruction. (F. & D. No. 43846. Sample No. 38251-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On September 12, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of rice at Galveston, Tex.; alleging that the article had been shipped on or about August 1, 1938, by the Republic Rice Mill, Inc., from Gueydan, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On November 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29689. Adulteration of apples. U. S. v. 30 Bushels of Apples. Consent decree of condemnation with provision for release for removal of deleterious substances. (F. & D. No. 44347. Sample No. 32198-D.)

This product was contaminated with lead and arsenic.

On September 28, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Michigan City, Ind.; alleging that on or about September 21, 1938, William Stellema transported said article from Benton Harbor, Mich., to himself at Michigan City, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. P. Myers, R-2, Benton Harbor, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered

it harmful to health.

On November 4, 1938, William Stellema, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released on condition that the poisonous and deleterious ingredients be removed under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29690. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44335. Sample No. 32294-D.)

This product contained less than 80 percent of milk fat.

On October 17, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 6, 1938, by the Beatrice Creamery Co. from Oklahoma City, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Butter."

of the Food and Drugs Act. The article was labeled "Butter."

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4,

1923.

Misbranding was alleged in that the article was labeled butter, which was

false and misleading since it contained less than 80 percent of milk fat.
On November 1, 1938, the Beatrice Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

M. L. Wilson, Acting Sceretary of Agriculture.

29691. Adulteration of tullibees. U. S. v. 6 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. No. 44208, Sample No. 13050-D.)

This product was infested with parasitic worms.

On October 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of tullibees at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by B. A. Arnesen, from Roosevelt, Minn,; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit

for food.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29692. Adulteration of canned salmon. U. S. v. 91½ Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. No. 43739, Sample Nos. 36042-D, 36044-D, 36045-D, 36048-D.)

Samples of this product were found to be decomposed.

On September 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 911/2 cases of unlabeled canned salmon at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 3, 1938, by the Alaska Salmon Co. from Naknek, Alaska; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of

a filthy, decomposed, and putrid animal substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29693. Adulteration of pears. U. S. v. 16 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 44173. Sample No. 33399-D.) Consent decree of

This product was contaminated with arsenic and lead.

On September 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bushels of pears at Chicago, Ill.; alleging that the article, consigned to John Geurkink, Chicago, Ill., had been shipped in interstate commerce on or about September 19, 1938. by Clarence Riddering, via truck of John Geurkink, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Harry T. Gast, St. Joseph, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On October 11, 1938, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. M. L. Wilson, Acting Secretary of Agriculture.

29694. Adulteration of salted peanuts. U.S. v. 10 Cartons of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 43672. Sample No. 38100-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of peanuts at Hammond, La.; alleging that the article had been shipped on or about August 1, 1938, by Planters Nut & Chocolate Co. from Memphis, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29695. Misbranding of olive oil. U. S. v. 34 Gallons of Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 44077. Sample Nos. 26505-D, 26508-D.)

This product was short of the declared volume.

On October 5, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 gallons of olive oil at New Brunswick, N. J.; alleging that the article had been shipped in interstate commerce, on or about July 27, 1938, by Antonio Corrao, from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net Madre Sicilia Olive Oil * * Sicilian Olive Oil Importing Co."

It was alleged to be misbranded in that the statement "One Gallon Net" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked

on the outside of the package.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29696. Adulteration of apple butter. U. S. v. 44 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 43986. Sample No. 31292-D.)

This product contained rodent hairs.

On September 28, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of apple butter at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Virginia Superior Quality Pure Apple Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29697. Adulteration of apples. U. S. v. 55 Bushels of Apples. Consent decree of condemnation with provision for release for removal of deleterious substances. (F. & D. No. 44243. Sample No. 32187-D.)

This product was contaminated with arsenic and lead.

On September 30, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 bushels of apples at Munster, Ind.; alleging that the article had been shipped in interstate commerce on or about September 20, 1938, from Benton Harbor, Mich., by Walter L. Mills to himself at Munster, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. P. Myers R-2 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harm-

ful to health.

On November 10, 1938, Raymond P. Myers, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with the provision that after removal of the poisonous and deleterious ingredients under the supervision of this Department, the claimant be permitted to use and to dispose of the product.

M. L. Wilson, Acting Secretary of Agriculture.

29698. Adulteration and misbranding of macaroni products. U. S. v. 120½ Cases of Sphaghetti, et al. Default decree of condemnation. Portion ordered delivered to a charitable organization; remainder ordered destroyed. (F. & D. No. 42982. Sample Nos. 10480-D to 10439-D, inclusive.)

These products were made from wheat flour and were colored with a yellow color which gave them the appearance of macaroni products made from somolina.

Two lots also were short weight.

On or about July 7, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of macaroni products at Jacksonville, Fla.; alleging that the articles had been shipped in interstate commerce on or about May 14, 1938, by Cox's Warehouse from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions were labeled in part: "Tampa-Maid Brand Spaghetti [or "Macaroni"] * * * Ferlita Macaroni Co. Inc., Tampa, Florida."

The remainder were labeled in part: "Vittoria Brand [or "Ferlita Brand"] * * Manufactured by Ferlita Macaroni Co. Inc., Tampa, Florida."

All lots were alleged to be adulterated in that they were mixed and colored in

a manner whereby inferiority was concealed.

The Vittoria brand was alleged to be misbranded in that the Italian phrase "Pasta Di Semola Superiore Qualita," borne on the label, was misleading and tended to deceive and mislead the purchaser since it implied that the article was made of semolina. The Tampa Maid brand was alleged to be misbranded in that the statement "6 Ozs. Not When Packed," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On October 4, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the portions found suitable for food (2261/2 cases) be delivered to a charitable institution, and the remainder destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29699. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 44122. Sample No. 41700-D.)

This product was substandard because the peas were not immature, and it

was not labeled to indicate that it was substandard.

On October 10, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying scizure and condemnation of 21 cases of canned peas at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about October 28, 1937, by the Frederica Packing Co. from Frederica, Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Frederica Brand Early June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Depart-

ment indicating that it fell below such standard.

On November 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

M. L. Wilson, Acting Secretary of Agriculture.

29700. Misbranding of canned cherries. U. S. v. 97 Cases of Canned Cherries (and two other seizure actions). Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 43052, 43177, 43178. Sample Nos. 19569-D, 19570-D, 19582-D.)

This product fell below the standard established by this Department because of the presence of excessive pits, and it was not labeled to indicate that it was

substandard.

On July 13 and August 2, 1938, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 867 cases of canned cherries at Duluth, Minn.; alleging that the article had been shipped in interstate commerce in part on or about August 7, 1937, and in part on or about April 25, 1938, by H. C. Hemingway & Co. from Lockport, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Schuyler Pitted Red Cherries [or "Red Sour Pitted Cherries"] Distributed by [or "Packed By"] H. C. Hemingway & Co. Auburn Cayuga Co. N. Y."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell

below such standard.

On September 30, 1938, H. C. Hemingway & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the law.

M. L. Wilson, Acting Secretary of Agriculture.

29701. Adulteration of flour. U. S. v. 65 Bags, et al., of Flour. Decree of condemnation. Product released under bond for salvage as animal feed. (F. & D. Nos. 43989, 43990, 43991, 43994, 43995. Sample Nos. 49754-D to 49757-D, inclusive, 49760-D.)

This produce having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On or about September 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 920 bags of flour at Greenwood, Miss.; alleging that the article had been shipped between the dates of September 18, 1937, and August 15, 1938, in part by P. H. Postel Milling Co. from Mascoutah, Ill., in part by the Trenton Milling Co. from Trenton, Ill., and in part by the Interior Flour Mills from Clinton, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: "Cotton Dolly Flour P. H. Postel Milling Co.,"; "Silver Spoon Highest Patent Flour"; "First Choice Patent Flour Manufactured for LeFlore Grocery Co., Greenwood, Miss."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On October 27, 1938, Le Flore Grocery Co., Greenwood, Miss., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be salvaged by mixing it so that it could not be used for human consumption but could be used for animal feed.

M. L. Wilson, Acting Secretary of Agriculture.

29702. Adulteration of flour. U. S. v. 255 Bags and 100 Bags of Flour. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 44080, 44081. Sample Nos. 38159-D, 38160-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On October 5, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 355 bags of flour at Dothan, Ala.; alleging that the article had been shipped in interstate commerce on or about July 6, 1938, by Collins Flour Mills, Inc., from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Baart Cut-Off Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On October 26, 1938, Indiana Flour Co., Inc., Dothan, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked or denatured, and should not be distributed except for animal feed or other approved purposes.

M. L. Wilson, Acting Secretary of Agriculture.

29703. Adulteration of candy. U. S. v. 14 Boxes and 15 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43105, 43483. Sample Nos. 23897-D, 38113-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On July 20 and August 26, 1938, the United States attorneys for the Western District of Texas and the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 14 boxes of candy at San Antonio, Tex., and 15 cartons of candy at Mobile, Ala.; alleging that the article had been shipped in part on or about April 7, and in part on or about June 13, 1938, by Pravata Caudy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On October 7 and 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29704. Adulteration of apples. U. S. v. 15 Bushels of Apples (and three similar scizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 44031, 44032. Sample Nos. 32768-D, 327769-D, 32777-D, 32779-D.)

This product was contaminated with arsenic and lead.

On August 27, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 48 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 21, 1938, by the Shafton Co. from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ed Brenner R-2 Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful

to health.

On October 10 and 11, 1938, the consignee having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29705. Misbranding of butter. U. S. v. 10 and 13 Cases of Butter. Consent decrees of condemnation. Product released under bond for relabeling or repacking. (F. & D. Nos. 44377, 44385. Sample Nos. 31100-D, 27425-D.)

Samples of this product were found to be short weight.

On November 3 and November 7, 1938, the United States attorney for the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 cases of butter at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about October 30 and November 2, 1938, by the North Platte Valley Non-Stock Cooperative Cheese Co. from Gering, Nebr.; and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Armour's Cloverbloom Butter 1 lb." The remainder was labeled in part: "Beauty Girl Quality Butter * * * One Pound Net Quarters."

Misbranding was alleged in that the statements on the labels, "I lb." and "One Pound Net," were false and misleading since the cartons did not contain 1 pound net weight. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the package.

On November 4 and November 12, 1938, the North Platte Valley Non-Stock Cooperative Cheese Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled or repacked to full weight.

M. L. Wilson, Acting Secretary of Agriculture.

29706. Adulteration of apples. U. S. v. 24 Bushels and 28 Bushels of Apples.

Default decrees of condemnation and destruction. (F. & D. Nos. 44141,
44143. Sample Nos. 22280-D, 32155-D.)

This product was contaminated with arsenic and lead.

On September 21 and 27, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 bushels of apples at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about September 18 and 25, 1938, from Benton Harbor, Mich., by Goldman & Lamping to themselves at Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Joseph Sage R. 2 Coloma, Mich."; or "P. W. Rodewald, Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On October 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29707. Adulteration of candy. U. S. v. 7 Cartons and 14 Cartons of Candy.

Default decrees of condemnation and destruction. (F. & D. Nos. 43662, 43666. Sample Nos. 38097-D., 38226-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 cartons of candy at Hammond, La., and 14 cartons of candy at Lockport, La.; alleging that the article had been shipped in part on or about January 21, and in part on or about January 26, 1938, by the R. E. Rodda Candy Co., from Lancaster, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 8 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29708. Adulteration of apples. U. S. v. 74 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44029. Sample No. 2438-D.)

This product was contaminated with arsenic and lead.

On September 15, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 bushels of apples at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce from Hardin, Ill., on or about September 13, 1938, by Everett Hagen to himself at Hardin, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown & Packed By Lorzbach Bros. Hardin, Ills."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to

health.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29709. Adulteration of flour. U. S. v. 24 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43521. Sample No. 38020-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bags of flour at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 19, 1938, by Bob White Flour Mills from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29710. Adulteration of apples. U. S. v. 350 Baskets and 133 Crates of Apples. Consent decrees of condemnation. Product released under bond for salvaging of good portion. (F. & D. Nos. 44253, 44254. Sample Nos. 27970-D, 27971-D.)

This product was contaminated with arsenic and lead.

On September 27, 1938, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 350 baskets and 133 crates of apples at Hannibal, Mo.; alleging that the article had been shipped in interstate commerce on or about September 4, 1938, by Allie Retzer from Hamburg, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it

harmful to health.

On October 17, 1938, Allie Retzer, claimant, having admitted the allegations of the libels, decrees were entered ordering release of the product under bond conditioned that the portion suitable for human consumption be separated and salvaged from the unfit and that the latter be destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29711. Adulteration of flour. U. S. v. 41 Bags and 98 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43678, 43743. Sample Nos. 23789-D, 38071-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On September 6 and 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 41 bags of flour at Plaquemine, and 98 bags of flour at Thibodaux, La.; alleging that the article had been shipped in part on or about September 8, 1937, and in part on or about July 1, 1938, by Texas Star Flour Mills from Galveston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bleached New-Way Flour" or "Hard Wheat Anita."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 5 and 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of flour. U. S. v. 300 Sacks, et al., of Flour. Default decree of condemnation and destruction. (F. & D. No. 44240. Sample Nos. 29165-D, 29167-D, 29169-D.) 29712. Adulteration of flour.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On October 27, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 sacks of flour at Atlanta, Ga.; alleging that the article had been shipped in part (25 sacks) on or about October 22, 1936, and the remainder on or about March 15, 1938, by Waggoner-Gates Milling Co. from Memphis, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Lake Fancy Patent Flour"; or "Queen of the Pantry Self-Rising Flour."

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On November 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29713. Adulteration of corn flour. U. S. v. 220 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43446. Sample No. 38045-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 24, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 220 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about July 16, 1938, by Evans Milling Co. from Indianapolis, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Emco Pure White Corn Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

20714, Adulteration and misbranding of flour. U. S. v. 300 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured and relabeled. (F. & D. No. 43176. Sample No. 37803-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination, found to be adulterated because of insect infestation. It was also misbranded because it was bleached flour and bore no statement indicating that fact.

On August 1, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of flour at Birmingham, Ala.; alleging that the article had been shipped on or about June 29, 1938, by the Acme Flour Mills Co. from Oklahoma City, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Speed King Baker's Special Flour."

It was alleged to be adulterated in that bleached flour had been substituted wholly or in part for the article, and in that it consisted wholly or in part

of a filthy vegetable substance.

The article was alleged to be misbranded in that the statement "Flour" was false and misleading and tended to deceive and mislead the purchaser when

applied to bleached flour.

On November 8, 1938, the Shaw Warehouse Co., Birmingham, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured so that it could not be diverted to human use, that the labels be obliterated, and that if relabeled such labels comply with the law.

M. L. Wilson, Acting Secretary of Agriculture.

29715. Misbranding of macaroni products. U. S. v. 14 Cases of Macaroni and 15 Cases of Spaghetti (and one similar scizure action). Default decrees of condennation and destruction. (F. & D. Nos. 42350 to 42354, inclusive. Sample Nos. 23257-D, 23258-D, 23264-D, 23265-D, 23266-D.)

The labeling of these products conveyed the impression that they had been made with whole milk, but in fact they had been made with milk from which

a large part of the fat had been removed.

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 cases of macaroni products at Walla Walla, Wash.; alleging that the articles had been shipped in interstate commerce within the period from on or about January 29, 1938, to on or about April 16, 1938, by the Porter-Scarpelli Macaroni Co. from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Porter Fresh Milk Elbow Macaroni [or "Spaghetti" or "coil Spaghetti"]."

The articles were alleged to be misbranded in that the words "Fresh Milk" and the picture of a bottle of milk prominently displayed on the label were

false and misleading and tended to deceive and mislead the purchaser in that they created the impression that the articles were made from whole fresh milk instead of from fresh milk from which a large part of the fat had been removed.

On October 12, 1938, no claimant having appeared, judgments of condemna-

tion were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29716. Adulteration of flour. U. S. v. 27 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43584. Sample No. 23720-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 sacks of flour at New Iberia, La.; alleging that the article had been shipped on or about April 25, 1938, by Shawnee Milling Co. from Shawnee, Okla.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Bleached The Bakers Pipe of Peace Chief Shawnee."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of flour. U. S. v. 59 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43660. Sample No. 37788-D.) 29717. Adulteration of flour. Default decree of

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 sacks of flour at Slidell, La.; alleging that the article had been shipped within the period from on or about December 24, 1937, to on or about February 5, 1938, by Whitewater Flour Mills Co. from Whitewater, Kans.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "High Score Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29718. Adulteration of grits. U. S. v. 215 Bags of Grits. Default decree of con-demnation and destruction. (F. & D. No. 43492. Sample No. 38083-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 26, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 bags of grits at Baton Rouge, La.; alleging that the article had been shipped on or about May 21, 1938, by Mount Vernon Milling Co. from Mount Vernon, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Degerminated Posey County Grits."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29719. Adulteration of candy. U. S. v. 6 Boxes of Candy (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43056, 43421, 43422. Sample Nos. 23690-D, 23698-D, 23977-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On July 13 and August 23, 1938, the United States attorneys for the Eastern District of Louisiana and the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 6 boxes of candy at New Orleans, La., and 23 cartons of candy at Mobile, Ala.; alleging that the article had been shipped in part on or about January 29, 1938, by Mars, Inc., from Chicago, Ill., and in part on or about April 20 and June 8, 1938, by Euclid Candy Co. from Brocklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On September 29 and 30, 1938, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29720. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44033. Sample No. 26431–D.)

This product contained less than 80 percent of milk fat.

On September 16, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at Scranton, Pa.; alleging that the article had been shipped in interstate commerce on or about July 9, 1938, by Omaha Cold Storage Co. from Omaha, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of

March 4, 1923.

On November 3, 1938, the Omaha Cold Storage Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

M. L. Wilson, Acting Secretary of Agriculture.

29721. Adulteration of candy. U. S. v. 11 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43529. Sample No. 23950-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be

insect-infested.

On or about August 31, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of candy at Galveston, Tex.; alleging that the article had been shipped on or about December 21, 1937, by the Ferrara Panned Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a

filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29722. Adulteration of apples. U. S. v. 12 Bushels and 7 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44374. Sample Nos. 45924–D, 45925–D.)

This product was contaminated with arsenic and lead.

On October 24, 1938, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bushels of apples at Christopher, Ill.; alleging that the article had been shipped in interstate commerce from Benton Harbor, Mich., on or about October 20, 1938, by James Hodge to himself at Christopher, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added lead

and arsenic, which might have rendered it harmful to health.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29723. Adulteration of crab meat. U. S. v. Earl J. Toomer. Plea of nolo contendere. Defendant placed on probation for 2 years. (F. & D. No. 42549. Sample Nos. 13420–D, 13421–D.)

This product contained evidence of the presence of filth.

On August 31, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Earl J. Toomer, Thunderbolt, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 15, 1938, from the State of Georgia into the State of Maryland of quantities of crab meat that was adulterated.

Adulteration was alleged in that the article consisted in whole and in part

of a filthy animal substance.

On November 7, 1938, a plea of nolo contendere having been entered, the defendant was placed on probation for 2 years.

M. L. Wilson, Acting Secretary of Agriculture.

29724. Adulteration of huckleberries. U. S. v. 47 Crates and 19 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43334, 43354. Sample Nos. 30128-D, 30129-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be infested with maggots.

On August 11 and August 12, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 crates of huckleberries at Philadelphia, Pa.; alleging that the article had been shipped on or about July 28, 1938, by Frank A. Reynolds from Whiting, N. J.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part

of a filthy, decomposed, or putrid vegetable substance.

On November 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29725. Adulteration of flour. U. S. v. 70 Bags, 301 Bags, and 175 Bags of Flour. Default decree of condemnation and destruction. F. & D. Nos. 43555, 43556, 43557. Sample Nos. 23710-D, 23713-D, 23714-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found

to be insect-infested.

On September 3, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 546 bags of flour at Morgan City, La.; alleging that the article had been shipped on or about April 9, 1938, by Blue Bonnet Flour Mills from Dallas, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bonnet Our Best Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29726. Adulteration of tomato catsup. U. S. v. 250 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 44088. Sample No. 42916–D.)

This product contained excessive mold.

On October 7, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of tomato catsup at Bradford, Pa.; alleging that the article had been shipped in interstate commerce on or about August 18, 1938, by Farm King Packing Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Handy Brand Pure Fancy Catsup."

It was alleged to be adulterated in that it consisted wholly or in part of a

decomposed vegetable substance.

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29727. Adulteration of apple butter. U. S. v. 18½ Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42922. Sample No. 19058-D.)

This product contained lead.

On June 13, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18½ cases of apple butter at Globe, Ariz.; alleging that the article had been shipped in interstate commerce on or about January 29, 1938, by Kern Food Products, Inc., from Los Angeles, Calif; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kern's Crystal Brand Pure Apple Butter."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29728, Adulteration of prunes. U. S. v. 9 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 43832. Sample No. 27588-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 9, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of prunes at Amarillo, Tex.; alleging that the article had been shipped on or about March 14, 1938, by California Prune & Apricot Growers Association from Sultana, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heart's Delight California Fruits Packed By Richmond Chase Company San Jose, Calif."

It was alleged to be adulterated in that it consisted wholly or in part of a

filthy vegetable substance.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29729. Misbranding of chocolate-flavored malt. U. S. v. 71 Cartons of Menter Malt Chocolate. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44234. Sample No. 11965-D.)

This product was labeled as consisting of malt, chocolate, and whole milk. It consisted, however, of 40 percent malt extract, 10 percent milk powder, 22 percent chocolate, and 30 percent of sugar. Furthermore, the cans contained less

than the weight declared on the label.

On October 26, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 71 cartons of chocolate-flavored malt at San Juan, P. R.; alleging that the article had been shipped in interstate commerce by R. Fabien & Co. from New York, N. Y., on or about June 30, 1938; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Chocolate Menier New York—Paris—London."

Misbranding was alleged in that the statements on the label, "Menier Malt Chocolate Flavored Malt * * * This Product is Made of Malt Chocolate and Whole Milk," were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of malt extract, milk powder, chocolate, and sucrose. It was alleged to be misbranded further in that the statement "1 lb. Net 453.92 Grams" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 15, 1938, Baquero & Co., of San Juan, P. R., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

M. L. Wilson, Acting Secretary of Agriculture.

29730. Adulteration of grits and cream meal. U. S. v. 18 Sacks of Grits and 74 Sacks of Cream Meal. Default decrees of condemnation and destruction. (F. & D. Nos. 43631, 43632. Sample Nos. 8896-D, 38220-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages, were at the time of examination found to be insect-infested.

On October 29, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 sacks of grits and 74 sacks of cream meal at Hammond, La.; alleging that the articles had been shipped on or about August 3, 1938, by the Meridian Grain & Elevator Co. from Meridian, Miss,; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Nun Better Grits [or "Matchless Bolted Cream Meal"]."

They were alleged to be adulterated in that they consisted wholly or in part

of filthy vegetable substances.

On November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29731. Adulteration of eandy. U. S. v. 17 Cartons and 10 Cartons of Candy.

Default decrees of condemnation and destruction. (F. & D. Nos. 43577, 43597. Sample Nos. 37705-D, 38211-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31 and September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 17 cartons of candy at Baton Rouge and 10 cartons of candy at Thibodaux, La.; alleging that the article had been shipped in part on or about September 28, 1937, and in part on or about March 28, 1938, by Blumenthal Bros. from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29732. Adulteration of candy. U. S. v. 22 Cartons, 21 Cartons, and 31 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43451, 43452, 43727. Sample Nos. 23696-D, 23697-D, 38125-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 24 and September 6, 1938, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 74 packages of candy at Mobile, Ala.; alleging that the article had been shipped in part on or about May 12 and 17, 1938, by Chas. N. Miller Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part

of a filthy vegetable substance.

On September 30 and October 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29733. Adulteration of flour. U. S. v. 28 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43836. Sample No. 26141-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 12, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 28 bags of flour at Port Newark, N. J.; alleging that the article had been shipped on or about April 27, 1933, by Stanard-Tilton Milling Co. from Dallas, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Patterson Pride High Gluten Flour Distributed by B. Newman & Son Paterson, N. J."

It was alleged to be adulterated in that it consisted in whole or in part of a

filthy vegetable substance.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29734. Adulteration of flour. U. S. v. 32 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43533. Sample No. 37783-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about March 12, 1938, by H. C. Cole Milling Co. from Chester, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Ring Pure Soft Wheat Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29735. Misbranding of bread. U. S. v. Safeway Stores, Inc. Plea of guilty. Fine, \$600. (F. & D. No. 42569. Sample Nos. 27221-D, 27222-D, 27225-D, 27227-D, 27328-D, 27329-D, 27331-D.)

This case involved bread which was short of the declared weight.

On October 24, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Safeway Stores, Inc., trading at Denver, Colo., alleging that the said defendant delivered for shipment from the State of Colorado to the States of Wyoming and Nebraska within the period from on or about April 22, 1928, to on or about April 26, 1938, quantities of bread which was misbranded. The article was labeled in part: (Wrapper) "American Youth."

Misbranding was alleged in that the statements "Wt. 1 lb." and "1½ Lbs.," borne on the wrappers, were false and misleading and were borne on the said wrappers so as to deceive and mislead the purchaser since they represented that the loaves weighed 1 pound net weight or 1½ pound net weight; whereas the loaves were not of the weight declared on the label but were of less weight. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On November 17, 1938, a plea of guilty was entered on behalf of the defendant,

and the court imposed a fine of \$600.

M. L. Wilson, Acting Secretary of Agriculture.

29736. Adulteration of butter. U. S. v. Merchants Dairy Co. Plea of guilty. Fine, \$120 and costs. (F. & D. No. 42575. Sample Nos. 21747-D, 21751-D, 21752-D.)

This product contained less than 80 percent of milk fat.

On September 12, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Dairy Co., a corporation, Desloge, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about April 22, 1938, to on or about May 2, 1938, from the State of Missouri into the State of Illinois of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as

prescribed by the act of March 4, 1923.

On September 19, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$120 and costs.

M. L. Wilson, Acting Secretary of Agriculture.

29737. Adulteration of tomato and celery juice. U. S. v. 10 Cases and 31 Cans of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 42914. Sample No. 27301-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to

be decomposed.

On July 5, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases and 31 cans of tomato and celery juice at Lewistown, Mont.; alleging that the article had been shipped on or about May 26, 1936, by Woods Cross Canning Co. from Clearfield, Utah; and charging adulteration in violation of the Food and Drugs The article was labeled in part: "Celto Brand Tomato and Celery Juice * * Packed for Blake and Blackinton, Ogden, Utah."

It was alleged to be adulterated in that it consisted in whole or in part

of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29738. Adulteration of crab meat. U. S. v. Brunswick Fisheries, Inc. Plea of noto contendere. Sentence suspended. Defendant placed on 2 years' probation. (F. & D. No. 42559. Sample Nos. 13362-D, 13363-D, 13402-D.)

This product contained evidence of the presence of filth.

On September 1, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brunswick Fisheries, Inc., Brunswick, Ga., alleging shipment by said company in violation of the Foed and Drugs Act, on or about April 5 and 13, 1938, from the State of Georgia into the States of South Carolina and New York, respectively, of quantities of crab meat that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a

filthy animal substance.

On October 12, 1938, a plea of nolo contendere was entered on behalf of the defendant. The court suspended sentence and placed the defendant on probation for a period of 2 years.

M. L. Wilson, Acting Secretary of Agriculture.

29739. Adulteration of butter. U. S. v. Scotland Creamery Co. Pica Fine, \$25. (F. & D. No. 42600. Sample Nos. 12115-D, 19477-D.) Plea of guilty.

This product was deficient in milk fat.

On November 14, 1938, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scotland Creamery Co., a corporation, Scotland, S. Dak., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 21, 1938, from the State of South Dakota into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat,

as prescribed by the act of March 4, 1923.

On November 22, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

dulteration of flour. U. S. v. 118, 563, 211, and 131 Bags of Flour. Decree of condemnation. Product released under bond to be salvaged for animal food. (F. & D. Nos. 43964 to 43967, inclusive. Sample Nos. 49746-D, 49748-D, 49750-D, 49751-D.) 29740. Adulteration of flour.

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 27, 1938, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,023 bags of flour at Greenwood, Miss.; alleging that the article had been shipped between the dates of March 1 and July 18, 1938, in part by the Fredericktown Milling Co. from Fredericktown, Mo., in part by Hays City Flour Mills from Hays, Kans., and in part by the Colonial Milling Co. from Nashville, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Uncle Sam Soft Wheat Flour * * * Liberty Roller Mills Fredericktown, Mo."; "The Hays City Flour Mills Hays, Kansas Prize Winner Self-Rising Flour"; "Moonlight Standard * * * Colonial Milling Co. Nashville, Tenn."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On October 27, 1938, the Greenwood Grocery Co., Greenwood, Miss., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured so that it could not be used for human consumption, but might be used as animal feed.

M. L. Wilson, Acting Secretary of Agriculture.

29741. Misbranding of canned apricots and canned pears. U. S. v. 44 Cases of Canned Apricots and 49 Cases of Canned Pears. Consent decrees ordering products released under bond. (F. & D. Nos. 43034, 43035. Sample Nos. 23071-D, 23072-D.)

These products fell below the standard established by this Department for such canned food and were not labeled to indicate that they were substandard. The canned apricots were labeled "Packed in medium syrup," but were in fact

packed in water.

On July 14, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 cases of canned apricots and 49 cases of canned pears at Lewiston, Idaho; alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by Cooperative Canning Exchange from White Bluffs, Wash.; and charging misbranding in

violation of the Food and Drugs Act.

The articles were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since both were packed in water, the pears were not normally colored and the fruit was so soft that the pieces would lose their natural shape when removed to a dish and were not in unbroken halves since less than 90 percent of the units were unbroken and did not show excessive trimming, and the labels did not bear a plain and conspicuous statement indicating that they were substandard. The apricots were alleged to be misbranded further in that the statement "Packed in Medium Syrup," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was packed in water.

On August 30, 1938, the Cooperative Canning Exchange having appeared as claimant, judgments were entered ordering that the products be released under bond conditioned that they should not be sold or disposed of contrary to law.

M. L. Wilson, Acting Secretary of Agriculture.

29742. Misbranding of canned cherries. U. S. v. 44 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44310. Sample No. 27423-D.)

This product was substandard because of the presence of excessive pits, and

it was not labeled to indicate that it was substandard.

On November 12, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of canned cherries at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about October 10, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "YB Your Best Brand Water Pack Red Pitted Cherries. Packed for Yoelin Bros. Merc. Co. Denver—Cheyenne."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained more than 1 cherry pit per 20 ounces of net contents, and the cans did not bear a plain and conspicuous statement showing that it fell below such

standard.

On November 18, 1938, Producers Canning Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled or repacked under the supervision of this Department.

M. L. Wilson, Acting Secretary of Agriculture.

29743. Adulteration of canned salmon. U. S. v. 47 Cases of Canned Salmon (and two similar seizure actions). Consent decree of condemnation. Product released under bend. (F. & D. Nos. 43309, 43476, 43781. Sample Nos. 40226-D, 40259-D, 40260-D, 40289-D, 40367-D, 40403-D, 40418-D.)

This product was decomposed in part.

On August 15 and 26, and September 8, 1938, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 556 cases of unlabeled canned salmon at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about July 16 and 28, and August 11, 1938, by North Pacific Sea Foods, in part from Dayville, Alaska, and in part from Valdez, Alaska; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy, decomposed, or putrid animal substance.

On September 16, 1938, the cases having been consolidated and the North Pacific Sea Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

M. L. Wilson, Acting Secretary of Agriculture.

29744. Adulteration of butter. U. S. v. Concordia Creamery Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 42562. Sample No. 4481-D.)

This product was deficient in milk fat.

On September 21, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Concordia Creamery Co., a corporation, Concordia, Mo., alleging shipment by said company on or about February 21 and February 24, 1938, from the State of Missouri into the State of Kansas, thence into the State of Nebraska, of a quantity of butter which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Concordia's Best Creamery Butter."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as pre-

scribed by act of March 4, 1923.

On October 14, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

29745. Misbranding of canned salmon. U. S. v. 398 Cans of Salmon. Default decree of condemnation. Product ordered delivered to a public institution. (F. & D. No. 42995. Sample No. 23561-D.)

This product was represented to be cutlet salmon of selected quality. Examination showed that it consisted in part of chum salmon and in part of pink salmon, was only of average quality, and was not in cutlet form. Moreover,

the label failed to bear a statement of the quantity of contents.

On June 29, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cans of salmon at Tacoma [Kelso], Wash.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, by G. Y. Harry & Co. from Portland, Oreg. (the product was packed by Columbia River Packers Association, Nushagak, Alaska); and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Exhibition Brand Salmon Cutlet."

It was alleged to be misbranded in that the statement "Salmon Cutlet * * * This Salmon is specially Selected" and the design of a select cutlet of salmon, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was

not in cutlet form and was not specially selected; it was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

M. L. Wilson, Acting Secretary of Agriculture.

29746. Misbranding of canned mackerel. U. S. v. 49 Cases and 257 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44038, 44201. Sample Nos. 20303-D, 20324-D.)

This product was short of the declared weight.

On or about October 1 and October 24, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 lots, consisting of 49 cases and 257 cases of canned mackerel, at Jacksonville, Fla.; and alleging that the article had been shipped in interstate commerce, the former on or about September 13, 1938, from Fullerton, Calif., and the latter on or about September 27, 1938, from Wilmington, Calif. The libels alleged that the former shipment had been made by the Val Vita Food Products, Inc., and that the latter had been made by the Coast Fishing Co. The former was a pool shipment and the court in pronouncing judgment found as a fact that both shipments had been made by the Coast Fishing Co. The article was labeled in part: "King Solomon Brand Fancy Mackerel Contents 1 Lb. * * * Distributed by Coast Fishing Co., Wilmington, Cal."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on

the outside of the package since the statement made was incorrect.

On November 9, 1938, the cases having been consolidated and the Coast Fishing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

M. L. Wilson, Acting Secretary of Agriculture.

29747. Adulteration of flour. U. S. v. 46 Bags and 75 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 43474, 43475. Sample Nos. 38205-D, 38206-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-

infested

On August 26, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 bags of flour at Baton Rouge, La.; alleging that the article had been shipped on or about May 2, 1938, from East St. Louis, Ill., by Hall Milling Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Flaky Bake Flour."

The article was alleged to be adulterated in that it consisted wholly or in

part of a filthy vegetable substance.

On November 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29748. Adulteration of flour. U. S. v. 123 Bags of Flour. Decree of condemnation. Product released under bond to be salvaged as animal food. (F. & D. No. 43968. Sample No. 49753-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-

infested and to contain rodent hairs.

On or about September 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 bags of flour at Greenwood, Miss.; alleging that the article had been shipped on or about March 22, 1938, by Nashville Roller Mills from Nashville, Tenn.; and

charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Tempt-U Self-Rising Flour."

The article was alleged to be adulterated in that it consisted wholly or in part

of a filthy vegetable substance.

On October 27, 1938, Le Flore Grocer Co., Greenwood, Miss., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured so that it could not be used for human consumption but might be used for animal feed.

M. L. Wilson, Acting Secretary of Agriculture.

29749. Alleged adulteration and misbranding of sweetened orange juice. U.S. v. 492 Cases of Orange Juice, Tried to the court. Judgment for claimant. Affirmed by Circuit Court of Appeals. (F. & D. No. 38183. Sample Nos. 6747-C, 6748-C.)

On August 18, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 492 cases of orange juice at New Orleans, La.; alleging that the article had been shipped in interstate commerce by Nesbitt Fruit Products, Inc., from Los Angeles, Calif., in part on or about June 18, 1936, and in part on or about July 2, 1936; and charg-Ing adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nesbitts California Orange Juice Sweetened."

On September 21, 1936, Nesbitt Fruit Products filed a claim and answer denying the adulteration of the product. On December 4, 1936, an amended and supplemental libel was filed, amending the adulteration charge and adding a

charge of misbranding. These charges appear in the opinion.

On March 8, 1937, the claimant having filed an amended answer, the case came on for trial before the court, a jury having been waived. On March 9, 1937, at the close of all the evidence, the Government and claimant filed motions for judgment. The Government's motion was overruled. Both parties submitted requests for findings of fact and conclusions of law. Decision was reserved. On September 13, 1937, the court denied the Government's request and filed findings of fact and conclusions of law for the claimant. On January 3, 1938, judgment was entered dismissing the libel. The Government having perfected an appeal, on May 24, 1938, the Circuit Court of Appeals for the Fifth Circuit handed down the following opinion affirming the judgment of the district court, Justice Foster dissenting:

(SIBLEY, Circuit Judge) "The appeal is from a judgment of the court, jury having been waived, which refused to condemn and forfeit 492 cases of 1-gallon jugs labeled 'Nesbitt's California Orange Juice Sweetened,' with ingredients and directions following. The amended libel asserted that 'the aforesaid product is adulterated in violation of Section 7 of the Food and Drugs Act, paragraph fourth, in the case of food, in that orange juice, orange-peel flavor, sugar, and acid have been mixed and colored in a manner whereby inferiority is concealed,' and that 'the aforesaid product is misbranded within the meaning of the Food and Drugs Act, Section 8, general paragraph and paragraph second, in the case of food, in that the statement on the label, "Orange Juice Sweetened," is false and misleading and tends to deceive and mislead the purchaser as applied to a product containing approximately 50 percent of added sugar.' The only question is whether the evidence required a finding that either of these allegations is sustained.

"As to the misbranding, the contention was that in the trade 'Orange Juice Sweetened' is used to indicate a sugar content of about 15 percent, whereas Nesbitt's product had over 50 percent sugar. The court was justified in finding that the phrase 'Orange Juice, sugar added,' had been applied to products having about 15 percent sugar, and that 'Syrup' was applied to products having about 65 percent sugar, but that there was no special meaning in the trade of the term 'sweetened.' The label in question has been used on Nesbitt's product for 10 years. In the natural meaning of the word 'sweetened' there is no implication of any particular percentage of sugar. We find no falsity in

the label on this point, the only one alleged in the libel.

"On the question of adulteration, the act declares a food adulterated: 'Fourth, if it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.' 21 U. S. C. A. Sec. 8. Nesbitt's product is not claimed to be damaged goods. The sole question is on the concealment of inferiority by mixing and coloring. Inferiority is a term of comparison. It implies some standard. That standard must be found in the usual qualities of the thing which the product under question purports to be. If Nesbitt's product purported to be orange juice, we should look to see if inferior orange juice was mixed and colored to conceal the inferiority. But it does not profess to be mere orange juice, but orange juice sweetened; and the label on the jugs does not stop there, but states there has been added fruit acid, certified color, and 0.01 percent of benzoate of soda, and gives 'Directions: Use one part with five parts plain water well iced.' It is thus offered as a basis for dilution into an iced drink, with the statement that it is a mixture of orange juice, sugar, fruit acid, certified color, and benzoate of soda. The evidence shows that the label is entirely truthful, and that all the ingredients are pure and harmless. The coloring matter, called 'sunset yellow,' is approved by the Food and Drug Administration as proper for use in foods. The color of the product is far deeper that that of orange juice, and looking at it one would know that it was not mere orange juice. But when diluted in the customer's presence by the retailer, it becomes of about the color of orange juice and simulates its taste. It is true that the beverage which the retailer thus prepares and sells is inferior to pure orange juice in its vitamin content, and the added color tends to conceal the weakness of the orange juice content, but this beverage is not shipped in interstate commerce, and its preparation and sale is not within the Food and Drugs Act. The retailer who buys these jugs of Nesbitt's product, which are shipped in interstate commerce, does not buy them as orange juice but as a mixture whose ingredients are disclosed from which he may prepare a beverage. In practice the jug is placed upon the retailer's counter with the full label in plain view, and the dilution is made in the customer's presence. There is intended by the producer no concealment of the fact that there is used a synthetic mixture based on orange juice sweetened. Every ingredient being pure and wholesome, color being openly added not to conceal anything but to make the final result more pleasing to the eye, we are unable to say that the Nesbitt product is adulterated and to be forfeited.' Judgment affirmed.

(Foster, Circuit Judge, dissenting) "Conceding that the product is not deleterious to health, it certainly is not orange juice sweetened in the ordinary meaning of those words. It might as well be called sugar acidulated. The words 'Orange Juice Sweetened' are in large type. Other parts of the label fairly describing the ingredients are in very much smaller type. It is not probable that a purchaser of a drink made from the compound would notice the fine print. I consider the label tends to deceive and mislead the ultimate purchaser and therefore the article is misbranded within the prohibition of the Food and Drugs Act.

"With all due respect, I therefore dissent."

M. L. Wilson, Acting Secretary of Agriculture.

29750. Adulteration of flour. U. S. v. 242 Bags of Flour (and four similar seizure actions.) Consolidated decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 43909, 43914, 43945, 43946, 43959. Sample Nos. 33962-D to 33965-D, inclusive, 33967-D to 33974-D, inclusive.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 17, 19, and 22, 1938, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,963 bags of flour at Norfolk, Va.; alleging that the article had been shipped within the period from June 1, 1937, to May 21, 1938, by Fisher Flouring Mills Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The product was variously labeled in part: "Fisher's Turako [or "Green Tag," "Blended," "Mainsail," "Blue Tag," "Fisher Boy," "Famous 21," "Blendako," "White Spear Pastry," or "White Tag"] Flour."

The article was alleged to be adulterated in that it consisted in whole or in

part of a filthy vegetable substance.

On October 26, 1938, the cases having been consolidated and the Fisher Flouring Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of this Department.

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⁸ Contains an opinion of the court. ⁴ Seizure contested.

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Peas, canned: Frederica Packing Co 29612, 29699 Greenmount Canning Co 29661 Eric Preserving Co 29661 Eric Preserving Co 29660 McGrath, H. J., Co 29670 Haxton, Geo. W., & Son, Inc 29621 McGrath, H. J., Co 29670 Pimientos, canned: California Sanitary Co 29649 Cerror Ceorgia Canning Co_, Inc 29649 Riverbank Canning Co 29598 Riverbank Canning Co 29598 Riverbank Canning Co 29660 With puree from trimmings, canned: California Prune & Apricot Growers Assoc 29728 Riverbank Canning Co 29479 California Conserving Co	Schuhknecht, W. Hcanned:	29624	Farm King Packing Co., Inc_and celery juice. See Beverages and	29726
Frederica Packing Co29612, 29693 Beechnut Packing Co29661 Krier Preserving Co29686 McGrath, H. J., Co29670 Haxton, Geo. W., & Son, Inc29621 McGrath, H. J., Co29680 McGrath, H. J., Co29680 McGrath, H. J., Co29680 McGrath, H. J., Co29680 McGrath, H. J., Co		29741	puree:	
Krier Preserving Co	Frederica Packing Co 29612,	29699		29663
Pimientos, canned: California Sanitary Co. Georgia Canning Co., Inc	Krier Preserving Co	29686		29621
Pine nuts. See Nuts. Prunes: California Prune & Apricot Growers Assoc	Pimientos, canned: California Sanitary Co	29649	Riverbank Canning Co Ruby Canning Co	
California Prune & Apricot Growers Assoc	Pine nuts. See Nuts.	29649	canned: California Conserving Co	29479
Rosenberg Bros. & Co	Growers Assoc	29728	Vancotone. See Flavors, vanilla. Vanilla extract. See Flavors.	
Rosenberg Bros. & Co29627 Raspberry extract. See Flavors. Rice: Republic Rice Mill, Inc29688 Salmon. See Fish and shellfish. Salmon. See Fish and shellfish.	Rosenberg Bros. & Co		V5, Inc	29630
Rice: Republic Rice Mill, Inc 29688 Whitefish. See Fish and shellfish. Salmon. See Fish and shellfish.	Rosenberg Bros. & Co	29627	Kerr Gifford & Co	29478
Salmon, See Fish and shellfish, caviar, See Fish and shellfish,				
Sardines. See Fish and shellish. Whitehsh caviar.				

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29751-29800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 24, 1939]

29751. Adulteration and misbranding of Elixir Sulfanilamide. U. S. v. Samuel Evans Massengill (The S. E. Massengill Co.). Demurrer to information. Overruled as to certain counts; sustained as to remaining counts. Plea of guilty. Fine, \$16,800. (F. & D. No. 40813. Sample Nos. 24540-C, 24541-C, 33799-C, 39097-C, 39593-C, 43872-C, 43873-C, 43876-C, 44259-C, 44261-C, 44262-C, 44360-C, 47326-C, 47328-C, 47453-C to 47459-C, inclusive, 47461-C to 47464-C, inclusive, 47461-C, 47467-C, 47477-C to 47482-C, inclusive, 48079-C, 48537-C, 49901-C, 49902-C, 49903-C, 50033-C, 53400-C, 53703-C, 53705-C, 54104-C, 56875-C, 57301-C, 57302-C, 57879-C, 61301-C.)

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The labeling of this article was such as to create the impression that it consisted of sulfanilamide in a nonpoisonous solvent; whereas it consisted of sulfanilamide in a poisonous solution, i. e., diethylene glycol and water.

On June 10, 1938, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, trading as the S. E. Massengill Co. at Bristol, Tenn., alleging slipment by said defendant in the period from on or about September 4, 1937, to on or about October 15, 1937, from the State of Tennessee into the States of California, Georgia, South Carolina, Virginia, New York, Mississippi, North Carolina, Florida, West Virginia, Michigan, Kentucky, Alabama, Maryland, and Indiana of quantities of Elixir Sulfanilamide which was adulterated and misbranded.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold since it was represented to be sulfanilamide in a nonpoisonous solvent; whereas it was sulfanilamide

in a poisonous solvent, diethylene glycol and water.

Misbranding was alleged in that the statement "Elixir Sulfanilamide," borne on the bottle label, was false and misleading in that the said statement represented that the article was sulfanilamide in a nonpoisonous solvent; whereas it was sulfanilamide in a poisonous solvent, diethylene glycol and water. Misbranding was alleged further in that the statement "Quality Pharmaceuticals," borne on the sticker attached to the stoppers of the bottles in most of the shipments, was false and misleading in that said statement represented that the article was of superior grade, i. e., that it was a mixture of substances intended to be used for the cure, mitigation, or prevention of disease and was suitable and appropriate for such purposes; whereas it was not of a superior grade and did not consist of a mixture of Substances suitable and appropriate to be used for the cure, mitigation, or prevention of disease, in that it was a poisonous mixture.

The defendant filed a demurrer to all counts of the information, which was argued on September 26, 1938. On September 29, 1938, the court rendered a decision sustaining the demurrer on the counts charging misbranding because of the statement "Quality Pharmaceuticals," borne on the sticker, and overruling the demurrer on the remaining counts. In ruling on the demurrer to

the remaining counts of the information the court said:

(Taylor, District Judge) "In this demurrer, I have given very careful consideration to the authorities cited by the parties, and have been very much interested in the nice distinctions that have been drawn; particularly as to the cases in which foods are involved, and cases in which medicines are involved, or drugs.

"For the purpose of the demurrer, I shall refer specifically only to the second count, which is typical of all of the counts, charging misbranding by the use

of a label containing the words 'Elixir Sulfanilamide.

"The attack upon this typical use charge is that the claim of the misleading and false character of the label, which lies in the implied representation that the sulfanilamide, that the Elixir Sulfanilamide, the medicinal property, is in a nonpoisonous solvent, is untenable.

"The information charges that the word 'elixir' denotes a nonpoisonous vehicle or solvent. The defendant contends that the information makes no such charge, and that the word has no such meaning actually, and that it has acquired no such secondary meaning, and that no such secondary meaning is

alleged or charged.

"I have reached the conclusion that a fair construction of the language of the information is that the word 'elixir' used in connection with the word 'sulfanilamide' constitutes a representation that the contents of the package or bottle contained no ingredient which used as elixirs as used by the profession, and as directed by the manufacturer, would either counteract the effect of the active drug sulfanilamide, or kill or seriously injure the patient. If this construction clearly be correct, the charge clearly presents an issue of fact to be determined, and if determined in favor of the Government's conten-

tion, an offense against the act exists.
"I have very carefully considered the defendant's contention that such charged representation relates not to the character of the ingredient, but to the physiological effect of the ingredient; in other words, that it does not deal with the question of strength or purity, but rather comes within the class of cases of which the cancer case is typical, and is not, therefore, violative of the statute, which relates to drugs as distinguished from foods. I think the language employed by the Supreme Court of the United States in the case of United States v. Johnson, 211 U. S. 488, is authority for the conclusion I have reached, if I have placed the correct construction upon the allegations in the information. The Johnson case is the case just above referred to, as I recall it.

Entertaining this view as applicable to all of the counts, the demurrer will be generally overruled and the defendant required to plead to the merits.

On October 3, 1938, the defendant entered a plea of guilty to the counts on which the demurrer had been overruled and the court imposed a fine of \$150 on each of the counts, a total of \$16,800.

M. L. WILSON, Acting Secretary of Agriculture.

29752. Adulteration and misbranding of Elixir Sulfanilamide. U. S. v. Samuel Evans Massengill (S. E. Massengill Co.). Plea of guilty. Fine, \$9,300. (F. & D. No. 40830. Sample Nos. 21573-C, 48976-C, 49180-C, 49181-C, 58205-C, 58207-C, 58208-C, 55211-C, 58212-C, 58410-C to 58421-C, inclusive, 59825-C, 59826-C, 62979-C to 62983-C, inclusive, 64459-C, 64494-C.)

On June 3, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, trading as the S. E. Massengill Co. at Kansas City, Mo., alleging shipment by said defendant within the period from on or about September 14, 1937, to on or about October 8, 1937, from the State of Missouri into the States of Texas, Arkansas, Oklahoma, Wisconsin, and Illinois, of quantities of Elixir Sulfanila-The information further alleged the sale by said defendant under a guaranty that it conformed to the requirements of the Food and Drugs Act of quantities of the product, and its subsequent shipment during the same period from the State of Missouri into the State of Illinois. The adulteration and misbranding charges were identical with those contained in the information filed in the Eastern District of Tennessee against the same product reported in notice of judgment No. 29751.

On October 19, 1938, the defendant entered a plea of guilty to the counts charging adulteration and those charging misbranding based on the statement in the label, "Elixir Sulfanilamide." A fine of \$150 was imposed on each of the said counts, or a total of \$9,300. The remaining counts were dismissed. 29753. Misbranding of Life (Miracle) Mineral Water. U. S. v. 47 Boxes and 49 Boxes of Life (Miracle) Mineral Water. Default decrees of condemnation and destruction. (F. & D. Nos. 43191, 43192. Sample No. 34253-D.)

The labeling of this product bore false and fraudulent representations re-

garding its curative and therapeutic effects.

On August 5, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 96 boxes of the above-named product at Clarksburg, W. Va.; alleging that the article had been shipped in interstate commerce on or about May 15, 1938, by George A. Manning, acting as agent for the Rocky Mountain Mineral Co. from Bessemer, Ala.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of pieces of rock, which when soaked in water dissolved to the extent of 6.5 percent. The dissolved material consisted principally of iron sulfate with small proportions of other mineral

substances.

Misbranding was alleged in that the following statements regarding the curative or therapeutic effects of the article, borne on the carton, were false and fraudulent: "Life (Miracle) Mineral Water Contains many healing minerals which have relieved thousands of people of * * * Upset Stomach, High Blood Pressure, Nervous Indigestion, Arthritis, Rheumatism, Kidney and Bladder Trouble, Female Complaints, Worms, Blood Disease and Loss of Appetite. Heals * * * Ringworm, Itch, Tetter, itching of Eczema, * * * itching piles, old Sores and similar irritations. Good Health Means More to You than Anything. * * * For Old Sores * * * Ringworm, Itch, Tetter, Eczema * * * piles and skin infections bathe the affected parts with Life (Miracle) Mineral Water."

On September 10, 1938, no claimant having appeared, judgments of con-

demnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29754. Misbranding of Lal Tablets No. 2. U. S. v. 21 Bottles of Lal Tablets No. 2. Default decree of condemnation and destruction. (F. & D. No. 43163, Sample No. 14496-D.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects and failed to declare the quantity

or proportion of acetophenetidin contained therein.

On August 1, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Lal Tablets No. 2 at Norwich, Conn.; alleging that the article had been shipped in interstate commerce on or about November 24, 1937, by the Lal Pharmacal Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of acetophenetidin

(approximately 2 grains per tablet), aspirin, and caffeine.

Misbranding was alleged in that the packages failed to bear on the label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained therein.

Misbranding was alleged further in that in the statement "For * * * Grippe," borne on the label, was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On October 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29755. Misbranding of Soap Lake Salts. U. S. v. 21 Packages of Soap Lake Salts. Default decree of condemnation and destruction. (F. & D. No. 43198. Sample No. 22851-D.)

The labeling of this product bore false and fraudulent therapeutic and curative claims.

On August 5, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Soap Lake Salts at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about December 28, 1937, by the Soap Lake Products Corporation from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium carbonate, sodium sulfate, sodium chloride, and a small amount of potassium chloride.

The article was alleged to be misbranded in that the carton label bore false and fraudulent representations regarding its therapeutic and curative effectiveness in the treatment of rheumatism, neuritis, arthritis, eczema, pyorrhea, gangrene, infections, and other ills of acid origin or caused by hyperacidity; in aiding the elimination of poisonous secretions and excess fat through the pores; in correcting aches, pains, swellings, congestions of the muscles and bones and in relieving infections and eruptions of the skin; its effectiveness to quicken and equalize the circulation of the blood; and as a poultice for swellings and similar painful conditions.

On September 10, 1938, no claimant having appeared, judgment of con-

demnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29756. Adulteration of digitalis leaves. U. S. v. 113 Pounds of Digitalis Purpurea. Default decree of condemnation and destruction. (F. & D. No. 43236. Sample No. 12121-D.)

This product contained 14 percent of moisture; whereas the United States Pharmacopoeia requires that digitalis contain not more than 8 percent of moisture. Moreover, it had not been packaged and stored in the manner specified

by the pharmacopoeia.

On August 9, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 pounds of digitalis leaves at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 8, 1938, by Richard V. Bausher from Allentown, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The libel alleged that the article was improperly packaged and contained excessive moisture; and that it was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, i. e., digitalis, but differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label.

On September 27, 1938, no claimant having appeared, judgment of con-

demnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29757. Adulteration and misbranding of Causalin. U. S. v. 11, 11, and 22
Packages of Causalin (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43125, 43625, 43629, 43620, 43629, 43630. Sample Nos. 25962-D. 25963-D, 25964-D, 30071-D, 30074-D, 30092-D, 30097-D, 35567-D, 35569-D, 35570-D.)

The purity of this product fell below the standard or quality under which it was sold since it contained another substance, salicylic ethyl ester carbonate

in addition to its declared ingredients.

On July 27, September 1, and September 8, 1938, the United States attorneys for the District of New Jersey, District of Rhode Island, and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 44 packages of Causalin at Newark, N. J., 46 packages of the product at Providence, R. I., and 121 packages at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce within the period from on or about July 1, 1938, to on or about August 22, 1938, by the Amfre Drug Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The product in some instances consisted of tablets and in others of capsules, which were packaged 100, 50, or 20 to the carton.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (carton of the 20-tablet size) "Aminodimethylpyrazolon-Quinolinesulphonate" since it contained in addition to said substances, a material proportion of salicylic ethyl ester

carbonate

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the name of another article. The product in the 20-tablet-sized packages was alleged to be misbranded further in that the statement on the carton, "Aminodimethylpyrazolon-Quinolinesulphonate," was false

and misleading when applied to an article which contained a material proportion of salicylic ethyl ester carbonate in addition to the substances declared.

It also was alleged to be misbranded in violation of the Federal Food, Drug,

and Cosmetic Act.

On September 7, September 20, and October 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29758. Adulteration and misbranding of quinine sulfate pills. U. S. v. 132
Bottles of Quinine Sulfate Pills. Default decree of condemnation and destruction. (F. & D. No. 43919. Sample No. 26494-D.)

These pills were represented to contain 2 grains of quinine sulfate each, but

they contained not more than 1.65 grains of quinine sulfate each.

On September 20, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bottles of quinine sulfate pills at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, by McKesson & Robbins, Inc., Bridgeport, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, namely, (bottle label) "Pills * * * 2 Grain Quinine Sulphate," (shipping carton) "Quinine Sulphate Pills 2 Gr.," since the pills contained less than 2 grains of quinine sulfate

each.

Misbranding was alleged in that the statements above-quoted on the bottle and shipping carton were false and misleading.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29759. Adulteration and misbranding of santal oil capsules. U. S. v. Eight Packages of Santal Oil Capsules. Default decree of condemnation and destruction. (F. & D. No. 43962. Sample No. 26788-D.)

This product was labeled to indicate that it was oil of santal, a product recognized in the United States Pharmacopoeia; but it failed to conform to the standard established by the pharmacopoeia for oil of santal since it contained

an added adulterant, namely, a terpineol.

On September 24, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 packages, each containing 100 capsules of santal oil; alleging that the article had been shipped in interstate commerce within the period from on about March 4, 1938, to on or about July 12, 1938, by the Grape Capsule Co., Inc., from Allentown, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Santal Oil * * * U. S. P.," since it was represented to be oil of santal U. S. P.;

whereas it was not.

Misbranding was alleged in that the statement on the label, "Santal Oil * * * U. S. P.," was false and misleading since it was not oil of santal of the standard set forth in the United States Pharmacopoeia. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the name of another article.

On October 20, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29760. Adulteration and misbranding of ether. U. S. v. 10 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 43999. Sample No. 30288-D.)

Samples of this product were found to contain benzaldehyde.

On September 27, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cans of ether at

Trenton, N. J.; alleging that the article had been shipped in interstate commerce on or about October 15, 1937, by the New York Quinine & Chemical Works from Brooklyn, N. Y.; and charging adulteration and misbranding in violation

of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, i. e., "Ether," but differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Ether * * * U. S. P.," was false and misleading when applied to an article that contained

benzaldehyde.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29761. Misbranding of absorbent cotton. U. S. v. 1,000 Cartons of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 42962. Sample No. 20811–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to

be contaminated with viable micro-organisms.

On June 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cartons of absorbent cotton at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, by the Absorbent Cotton Co. of America from Valley Park, Mo.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Rx The sign of purity," was false and misleading when applied to an article that was grossly contaminated with viable micro-organisms, and in that the statement on the label, "Absorbent cotton for first aid hospital and home use," was false and misleading since it created the impression that the article was suitable for treatment in hospital and home of injuries to the person; whereas it was not safe or appropriate for such use.

On August 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29762. Misbranding of Norwesco Rub. U. S. v. 53 Jars of Norwesco Rub. Default decree of condemnation and destruction. (F. & D. No. 43010. Sample No. 28625–D.)

The labeling of this product bore false and fraudulent representations re-

garding its curative and therapeutic effectiveness.

On June 30, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 jars of Norwesco Rub at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about February 28, 1938, by McKesson & Robbins, Blumauer-Frank Division, from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was a grease containing oil of eucalyptus. Misbranding was alleged in that the following statements borne on the jar label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Treatment for Certain Forms of Inflammation * * * Incipient Pneumonia, Deep Chest Colds * * * Apply Hot Towels for Five Minutes to the Parts to be Treated, Which Are the Chest, Lower Part of the Throat, Back Between the Shoulder Blades and the Side or Sides that Pain. * * * Croup (Spasmodie) * * * Coughs Use as for Croup * * * Surface Inflammations, Apply to the Affected Parts."

On October 26, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29763. Adulteration and misbranding of Pariogen Tablets. U. S. v. 127 Dozen Tubes and 3% Dozen Tubes of Pariogen Tablets. Default decree of condemnation and destruction. (F. & D. Nos. 42969, 42970. Sample No. 22066–D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its anti-

septic and germicidal properties.

On June 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130¾ dozen tubes of Pariogen Tablets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 9, 1938, by the American Drug & Chemical Co. from Minneapolis, Minn.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of Rochelle salts, starch, and a very small amount of a chlorine-liberating compound. Bacteriological tests showed that it was not antiseptic and germicidal when used as

directed.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (display carton) "Antiseptic and Germicide," since it was not an antiseptic and

germicide.

Misbranding was alleged in that the following statements, borne on the package, were false and misleading since the article was not as represented by the statements: (Display carton) "Powerful Dependable Antiseptic And Germicide * * * Prophylactic Deodorant Antiseptic Germicide," (label) "Deodorant," (circular) "The Antiseptic and germicidal effect of Pariogen Tablets will last for about one hour following the insertion of the tablet. It is not necessary to employ strong, irritating, and poisonous disinfectants and germicides. Physicians know that the frequent and wrongful use of bichloride of mercury (corrosive sublimate), cresol and other caustic and burning solutions in feminine personal hygiene are harmful. The continued use of even a weak solution of bichloride of mercury has a destructive action upon the tissues and will interfere with the normal functions of the membranes of the vaginal tract. Soap is usually added to preparations made from cresol. This is done for the purpose of trying to reduce the burning effect produced by solutions made with these poisonous compounds. When these poisonous solutions are used in sufficient strength to have practical value as germicides they have a corrosive action, dulling the sensitiveness of the vaginal tract and causing it to have a dry and hardened feeling." Misbranding was alleged further in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Display carton) "For Feminine Personal Hygiene" (label) "* * * for use in feminine personal hygiene"; (circular) "* * * for Use in Feminine Personal Hygiene * * * The Modern Method In Feminine Personal Hygiene * * * method in personal hygiene. * * * when used as directed affords a source of satisfaction * * * The antiseptic and germicidal effect of Pariogen Tablets will last for about one hour following the insertion of the Tablet. * * * While Pariogen Tablets Are Non-Irritating to healthy mucous membrane, where there is no abrasion, the first one or two applications may, in some instances, cause a slight irritation where the membrane is particularly sensitive, due to soreness arising from discharges, inflammation or other causes."

On September 15, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29764. Misbranding of Vitatonic. U. S. v. 246 Bottles of Vitatonic. Default decree of condemnation and destruction. (F. & D. No. 43240. Sample No. 26243-D.)

This product contained less alcohol than declared and its labeling bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On August 9, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 246 bottles of Vitatonic at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about July 20, 1938, from New York, N. Y., by Edward Hidden; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including nux vomica and an emodin-bearing drug, alcohol (14.4 percent by volume), and water.

The article was alleged to be misbranded in that the statements, (bottle) "Alcohol 18% Food Supplement" and (circular) "Vitatonic is the ideal food supplement," were false and misleading since it contained less than 18 percent

of alcohol, and it was a drug not a food.

Misbranding was alleged further in that the following statements, appearing in a circular attached to the bottle, falsely and fraudulently represented the "* * * body builder. curative or therapeutic effectiveness of the article. It has been found to be wonderfully efficient for rundown people, weakened bodies, aggravated disorders of the kidneys, liver and stomach, poor complex-* * * nerve building * * * (strengthening to the stomach) (strengthening to the kidneys) * * * prevents irritation * * * blood tonics and alteratives (make for improved health and complexion) (to relieve pain) Vitamin B-Is responsible for the growth of the body, helps digestion and assimilation, * * * and also prevents the grave condition called Polyneuritis. Vitamin C— * * * is responsible in many instances for Pyorrhea and caries (decay) of the teeth. * * * Vitamin D-Is the body builder * * * Vitatonic will tone up your entire system by bringing about the proper coordination of your stomach, liver, kidneys and bowels and by supplying your body with the necessary essentials it now lacks. You should notice a marked improvement in your health and appearance within a short time."

On September 17, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29765. Adulteration and misbranding of Slim and misbranding of Correcol and Hauser Potassium Broth. U. S. v. Modern Health Products, Inc., and Carl Hauser. Pleas of guilty. Corporation fined \$1,400. Carl Hauser fined \$350. (F. & D. No. 37952. Sample Nos. 43715-B, 43716-B, 43721-B.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effectiveness. Slim was represented to be a beverage consisting of herbs and fruits and containing no drugs, whereas it contained drugs and no fruits; Correcol was represented to be a food but was, in fact, a drug; and Hauser Potassium Broth was falsely labeled with respect to its potassium content and its effectiveness to produce an

alkaline reaction in the system.

On June 21, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Modern Health Products, Inc., Milwaukee, Wis., and Carl Hauser, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about July 1, 1935, to on or about October 18, 1935, from the State of Wisconsin into the State of Massachusetts, of a quantity of Slim which was adulterated and misbranded and of quantities of Correcol and Hauser Potassium Broth which were misbranded.

Analyses showed that Slim consisted essentially of senna (70 percent), orange peel, anise, bladderwrack, buckthorn bark, dried apple, and centaury flowers; that the Correcol consisting essentially of Lallemantia royeleana (a mucilaginous seed) and a smaller amount of karaya gum; and that the Hauser Potassium Broth consisted essentially of a mixture of ground dried plant materials (including pea, carrot, onion, celery, and alfalfa), and common salt.

Slim was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective to normalize overweight, to make the body slim, and effective as a health product. It was alleged to be misbranded further in that the statements, "Slim contains no drugs" and "A * * * beverage * * * A scientific blend of choice herbs and * * * fruits," borne on the label, were false and misleading in that they represented that the article contained no drugs, that it was a beverage, and that it was a scientific blend of choice herbs and fruits; whereas it contained drugs, was not a beverage, and was not a scientific blend of choice herbs and fruits since it contained the drugs senna, bladderwrack, and buckthorn bark and contained no fruits. It was alleged to be adulterated under the provisions

of the law applicable to food in that added drugs had been substituted for

food, which it purported to be.

The Correcol was alleged to be misbranded in that certain statements, designs, and devices appearing in the labeling falsely and fraudulently represented that it was effective as a health product and effective to correct ailments of the colon, to cause colonic action to become more normal, and to correct intestinal sluggishness. It was alleged to be misbranded further in that the statement "Food," borne on the label, was false and misleading since the article was not a food but was a drug.

The Hauser Potassium Broth was alleged to be misbranded in that certain statements, designs, and devices appearing in the labeling falsely and fraudulently represented that it was effective as a health product and effective to restore and maintain health. It was alleged to be misbranded further in that the statements "Potassium Broth" and "A highly concentrated alkaline broth," borne on the label, were false and misleading in that they represented that the article was potassium broth and that it was a highly concentrated alkaline broth; whereas it was a mixture of plant materials which contained no greater proportion of potassium and possessed no more alkaline reaction than ordinary plant materials.

On May 13, 1938, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$1,400 against Modern Health Products, Inc., and

\$350 against Carl Hauser.

M. L. Wilson, Acting Sceretary of Agriculture.

29766. Misbranding and alleged adulteration of rubber prophylactics. U. S. v. 52 Gross of Rubber Prophylactics. Decree of condemnation. Product released under bond. (F. & D. No. 42131. Sample Nos. 2896–D, 2898–D.)

Samples of this product were found to be defective in that they contained

holes.

On April 6, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 gross of rubber prophylactics at San Francisco, Calif.; alleging that the article had been shipped on or about November 13 and 16, 1937, by Julius Schmid, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below

the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Sheiks are made from * * * non-porous rubber, triply tested and carefully inspected in order to give you the fullest measure of protection. Unequalled aging qualities make Sheiks safe for use over long periods of time. * * * Warning The nation's venereal disease victims as reported by the American Social Hygiene Association number more than 19,000,000—yet over 1,400,000 prophylactics, the principal preventives, are man-19,000,000—yet over 1,400,000 prophylactics, the principal preventives, are manufactured daily! Obviously, a large percentage are worthless—Dangerous—because they give users a false sense of security. A recent survey made by the New York Tuberculosis and Health Association showed a vast number of prophylactics (invariably of the so-called 'Liquid-latex' type) to be so full of pin holes and porousness that Dr. Jacob A. Goldberg of the investigating committee, pronounced them 'No Better Than A Tennis Net For Stopping Syphilis Or Gonorrhea Gorms.' Safety is to be found only in the tested and thoroughly inspected products of a reputable manufacturer. 'Sheik' Offers Maximum Safety * * * 'Sheiks' are never sold without first undergoing a nigid inspection and thorough in testing process to detect importagings * * rigid inspection and thorough air-testing process to detect imperfections * * Registered druggists and licensed physicians are the only legitimate sources of prophylactic rubber goods. Unfortunately, they are 'bootlegged' through many other outlets. Bootleg products are invariably of unreliable quality, untested, and their use invites exposure to infection. The risk is far too great for the few cents at best that might be saved. Buy a responsible product—and buy from Drug Stores Only. Ask For 'Sheiks' By Name. * * * For Prevention of Disease."

On August 20, 1938, Julius Schmid, Inc., having appeared as claimant, judgment was entered finding the product misbranded and ordering its condemnation, and it was ordered further that the product be released under bond conditioned that it be made to conform to the law under the supervision of this M. L. Wilson, Acting Secretary of Agriculture. Department.

29767. Adulteration and misbranding of Sandal Oil capsules. U. S. v. 375
Capsules of Sandal Oil. Default decree of condemnation and destruction. (F. & D. No. 42132. Sample Nos. 12563-D.) 12564-D.)

This product fell below the standard under which it was sold since it purported to be sandalwood oil, a product defined in the United States Pharmacopocia, but differed from the standard established by that authority in that it contained a benzyl compound, such as benzyl alcohol, and a terpineol.

On April 6, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 capsules of sandal oil at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about March 15, 1938, by the Merz Capsule Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in substance in that the purity of the article fell below the professed standard and quality under which it was sold since it contained a benzyl alcohol and terpineol and was not sandalwood oil, which is defined in the United States Pharmacopoeia as a volatile oil distilled with

steam from the dried heartwood of Santalum album Linné.

Misbranding was alleged in that the article was an imitation of and was

offered for sale under the name of another article.

On September 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29768. Adulteration and misbranding of milk of magnesia with vanilla and sugar and misbranding of milk of magnesia with caseara. U. S. v. 72 Bottles of Milk of Magnesia with Vanilia and Sugar (and 1 similar selzure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42966, 42967. Sample Nos. 16239–D, 16240–D.)

The former of these products contained less magnesium hydroxide than declared, and the latter contained less cascara sagrada than indicated and was

falsely labeled as conforming to the Food and Drugs Act.

On June 27, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 132 bottles of the above-named products at Houston, Tex.; alleging that the articles had been shipped in interstate commerce in part on or about March 28 and in part on or about April 12, 1938, by the Druggist Laboratories, Inc., from New Orleans, La.; and charging adulteration and misbranding with respect to the former and misbranding with respect to the latter in violation of the Food and Drugs Act.

The product labeled "Milk of Magnesia with Vanilla and Sugar" was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, "1 Fluid Ounce will yield 34 to 40 grains of magnesium hydroxide," since it contained less than 34 grains of magnesium hydroxide per fluid ounce. It was alleged to be misbranded in that the statement on the label, "1 Fluid Ounce will yield 34 to 40 grains of magnesium hydroxide," was false and misleading when applied to an article that contained less than 34

grains of magnesium hydroxide per fluid ounce.

The product labeled "Milk of Magnesia with Cascara" was alleged to be misbranded in that the statement on the label, "1 Fluid Ounce will yield 2 Fluid drachms aromatic cascara sagrada," was false and misleading in that the purchaser was lead to believe that the article contained 2 fluid drachms of aromatic cascara sagrada, an article recognized in the United States Pharmacopoeia, when such was not the fact. It was alleged to be misbranded further in that the statement on the label of the 12-ounce size, "conforms with U. S. Pure Food and Drugs Laws," was misleading in that the said statement led the purchaser to believe that the article complied with the regulations and requirements of the act of June 30, 1906, whereas it did not so comply with said act.

On or about September 24, 1938, no claimant having appeared, judgments of

condemnation were entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29769. Adulteration and misbranding of absorbent cotton. U. S. v. 500 Packages of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 42882. Sample No. 25244-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On June 3, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 packages of absorbent cotton at Woodside, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 7, 1938, by the New Aseptic Laboratories from Columbia, S. C.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hospital Absorbent Cotton Tri-Boro Wholesale Drugs."

The article was alleged to be adulterated in that it was represented to be absorbent cotton, whereas it did not conform to the standard established by the

United States Pharmacopoeia for absorbent cotton.

It was alleged to be misbranded in that its labeling was false and misleading since the United States Pharmacopoeia describes absorbent cotton as "the hairs of the seed of cultivated varieties of Gossypium herbaccum Linné or other species of Gossypium (Fam. Malvaceae) freed from adhering impurities and linters and deprived of fatty matter"; whereas examination showed that the article had not been freed from adhering impurities since it was contaminated with aerobic and anaerobic or facultative anaerobic micro-organisms including gas-producing anaerobes and molds.

On September 30, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29770. Adulteration and misbranding of Briolina Famous Salts. U. S. v. 354 Packages of Briolina Famous Salts. Default decree of condemnation and destruction. (F. & D. No. 43053, Sample No. 21458-D.)

This product was sold as a beverage base. Analysis showed that it con-

tained the coal-tar drug phenolphthalein.

On July 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 354 packages of Briolina Famous Salts at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 19, 1938, by the Citrine Co. from Toledo, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated under the provisions of the law applicable to food in that a substance, namely, phenolphthalein, a coal-tar cathartic drug, had been mixed and packed with it so as to injuriously affect its quality; in that phenolphthalein, a coal-tar cathartic drug, which is not a salt, had been substituted in whole or in part for the article; and in that it contained an added deleterious ingredient, phenolphthalein, which might have

rendered it injurious to health.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its purity fell below the professed standard and quality under which it was sold, namely, "Briolina Famous Salts," since it

contained phenolphthalein, which is not a salt.

It was alleged to be misbranded under the provisions of the law applicable to food in that the statements on the label, "Briolina Famous Salts" in English; "delicious beverage," "the king of citrates" in Italian, and "Positively does not contain any habit forming drug" in Italian and English, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing a coal-tar drug, phenolphthalein.

On September 26, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29771. Misbranding of Dodd's New Discovery. U. S. v. 69 Bottles of Dodd's New Discovery. Default decree of condemnation and destruction. (F. & D. No. 42984. Sample No. 24531-D.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On June 27, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Dodd's New Discovery at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 31, 1938, from West Memphis, Ark., by Stotts Medicine Co.; and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article showed that it consisted essentially of

water, sugar, alcohol, chloroform, oil of sassafras, and menthol.

Misbranding was alleged in that the following statements falsely and fraudulently represented the curative or therapeutic effectiveness of the article:

"* * New Discovery for the relief of lung bronchial troubles, coughs,

* * * pneumonia, croup, bronchitis, asthma and phthisic."

On September 24, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

20772. Adulteration and misbranding of sandalwood oil capsules. U. S. v. 900 Capsules and 800 Capsules of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. Nos. 42501, 42502. Sample Nos. 20991-D, 20992-D.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the standard laid down therein, since it contained a derivative of phthalic acid, a benzyl compound such as benzyl alcohol, and a

terpineol; and its own standard was not declared.

On June 7, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,700 capsules of sandalwood oil at Michigan City, Ind.; alleging that the article had been shipped in interstate commerce on or about March 18, 1938, from New York, N. Y. by Petroline Laboratories, Inc.; and charging adulteration and misbranding of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Sandalwood Oil," but differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard of strength, quality,

and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Capsules Sandalwood Oil Pure East India (U. S. P.)," was false and misleading since it represented that the article was the volatile oil distilled with steam from the dried heartwood of Santalum album, whereas it contained a derivative of phthalic acid, a benzyl compound such as benzyl alcohol, and terpineol. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the name of another article "sandalwood oil."

On August 30, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29773. Misbranding of Histosan. U. S. v. Ernst Bischoff Co., Edward T. Bischoff, and Harrie H. Newcomb. Pleas of guilty. Fines, \$225. (F. & D. No. 39790. Sample Nos. 31637-C, 33570-C, 37097-C.)

The labeling of this product bore false and fraudulent representations regard-

ing its therapeutic and curative effects.

On April 28, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernst Bischoff Co., a corporation, New York, N. Y., and Edward T. Bischoff and Harrie H. Newcomb, officers of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about February 26, 1937, to on or about May 7, 1937, from the State of New York into the States of Ohio and Illinois, of quantities of Histosan which was misbranded. The article was labeled in part: "Histosan * * * Histosan, Inc. * * * New York, N. Y."

Analysis of the article showed that it consisted essentially of sugar, water, and alcohol with small amounts of guaiacol, ammonium chloride, sodium

sulfate, and protein material.

The article was alleged to be misbranded in that statements borne on the label and in a circular enclosed with it falsely and fraudulently represented its therapeutic and curative effectiveness as a treatment for acute and chronic bronchitis, pneumonia, and other pulmonary diseases; as a preventive of the complications which follow simple colds and recurrent colds such as bronchitis, pneumonia, and tuberculosis; as a treatment for pulmonary ailments and some bowel conditions; as a valuable antiseptic of many chronic conditions and as a cure thereof; as a treatment for pulmonary troubles; as a relief from coughs

and the later stages of chronic tuberculosis; its effectiveness to favorably influence phthisis in its incipiency, to check phthisis, and to control cough and bronchial cough; its effectiveness as a tonic, to add to the general well-being of the sufferer, and to cause tonic effect and action, and to increase weight; and its effectiveness as a treatment for respiratory affections.

On May 23, 1938, pleas of guilty having been entered by the defendants, they

were sentenced to pay fines in the total amount of \$225.

M. L. Wilson, Acting Secretary of Agriculture.

29774. Misbranding of Cannon's Salve. U. S. v. Emma L. Van Gorder, Carrie B. Van Gorder, and William H. Van Gerder (Dr. J. Cannon Salve Co., Ltd.). Pleas of guilty. Fines, \$75. (F. & D. No. 42520. Sample No. 68214-C.)

The labeling of this product bore false and fraudulent curative and therapeu-

tic claims.

On June 25, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Emma L. Van Gorder, Carrie B. Van Gorder, and William H. Van Gorder, copartners, trading as Dr. J. Cannon Salve Co., Ltd., at Petoskey, Mich., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 12, 1937, from the State of Michigan into the State of Illinois of a quantity of Cannon's Salve which was misbranded.

Analysis showed that the article consisted essentially of a lead compound

incorporated in a fatty base.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for frozen feet, eczema, mad dog bite, inflammation of the eyes, blood poison, erysipelas, sore lungs and throat, cuts, sores, all kinds of injuries, rusty nail sores, burns, boils or carbuncles, diphtheria, gunshot wounds, lame or sore back, caked or inflamed breast, sprained ankle, and mumps; and effective to take out and heal all inflammation, to prevent blood poison in man or beast, to heal cuts, wounds, and sores, to draw out all the pain, soreness, and lameness, and to heal sore throat.

On July 5, 1938, pleas of guilty having been entered on behalf of the defend-

ants, the court imposed fines in the total amount of \$75.

M. L. Wilson, Acting Secretary of Agriculture.

29775. Misbranding of Sanettes (mentholated kerchiefs). U. S. v. 215 Packages and 143 Packages of Sanettes Mentholated Kerchiefs. Default decree of condemnation and destruction. (F. & D. No. 41418. Sample Nos. 57757-C, 57758-C.)

The labeling of this product bore false and fraudulent curative and thera-

peutic claims.

On January 14, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 packages of Sanettes (mentholated kerchiefs) at Woodside, L. I.; alleging that the article had been shipped in interstate commerce on or about October 4, 1937, by the San-Nap-Pak Manufacturing Co. from Wheelright, Mass.; and charging misbranding in violation of the Food and Drugs Act as amended.

Examination showed that the article consisted of paper tissues impregnated

with menthol.

Misbranding was alleged in that the following statements borne on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Useful during * * * hay fever and sinus irritations—aids in clearing congested air passages."

On September 26, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29776. Adulteration and misbranding of santal oil. U. S. v. 17 Boxes and 55 Boxes of Santal Oil Capsules. Consent decree of condemnation and destruction. (F. & D. Nos. 43737, 43738. Sample Nos. 2580-D.) 26781-D.)

This product was labeled to indicate that it was oil of santal, a product recognized in the United States Pharmacopoeia; whereas it did not have the

characteristic odor of oil of santal and it contained terpineol, a substance

foreign to oil of santal.

On October 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 boxes of santal oil capsules at New York, N. Y.; alleging that the article had been shipped in interstate commerce by John Wyeth & Bro., Inc., in part on or about July 29, 1938, from Philadelphia, Pa., and in part on or about July 5 and 6, 1938, from Boston, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Santal Oil East India," in that the said statement represented that the article was oil of

santal; whereas it was not.

Misbranding was alleged in that the statement on the label, "Santal Oil East India," was misleading since the said article was not oil of santal of the

standard set forth in the United States Pharmacopoeia.

On November 3, 1938, Magnus, Mabee & Reynard, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be taxed against the claimant.

M. L. Wilson, Acting Secretary of Agriculture.

20777. Misbranding of oil of sandalwood. U. S. v. Two 5-Pound Cans and Five 1-Pound Bottles of 0il Sandalwood (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42505, 42976. Sample Nos. 10695-D, 25246-D, 33922-D.)

This product was labeled to indicate that it was sandalwood oil, a product recognized in the United States Pharmacopoeia. Tests of the article showed that it was not of pharmacopoeial standard, since it was not soluble in 5 volumes

of 70-percent alcohol.

On June 8 and June 27, 1938, the United States attorneys for the Southern District of New York and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 2 cans and 5 bottles of oil of sandalwood at New York, N. Y., and 27 bottles of the same product at Richmond, Va.; alleging that the article had been shipped in interstate commerce by Dodge & Olcott Co., in part on or about April 2, 1938, from New York, N. Y., and in part on or about May 10, 1938, from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Oil Sandalwood * * * East Indian U. S. P. XI," was false and misleading since it led the purchaser to believe that the article was sandalwood oil, a drug recognized in the United States Pharmacopoeia and defined therein as being soluble in 5 volumes of 70-percent alcohol; whereas it was not soluble in 5

volumes of 70-percent alcohol.

On August 4 and November 4, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29778. Adulteration and misbranding of absorbent cotton and gauze bandages.
U. S. v. 59 Dozen Packages of Absorbent Cotton (and 2 similar seizure actions).
Default decrees of condemnation and destruction. (F. & D. Nos. 43833, 43925, 44021. Sample Nos. 9793-D, 9822-D to 9825-D, inclusive, 29127-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages, were found at the time of examination

to be contaminated with viable micro-organisms.

On September 10, 21, and 28, 1938, the United States attorneys for the Eastern District of Pennsylvania and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 59 dozen packages of absorbent cotton and 66 packages of gauze bandage at Philadelphia, Pa., and 30 dozen packages of absorbent cotton at Atlanta, Ga.; alleging that the articles had been shipped by the Acme Cotton Products Co., Inc., from Dayville, Conn., in the period from on or about March 23, 1938, to on or about September 3, 1938; and charging misbranding with respect to all lots and adulteration with respect to portions in violation of the Food and Drugs Act.

The gauze bandage and a portion of the absorbent cotton were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized After Packaging," since they

were not sterile but were contaminated with viable micro-organisms.

All lots were alleged to be misbranded in that the following statements and design on the cartons were false and misleading when applied to articles that were not sterile: (Gauze bandage) "Sterilized After Packaging," "Acme Prepared for Surgical purposes and for general uses in the Sick Room," "Acme Surgical Gauze"; (portion of absorbent cotton) "Sterilized," "Sterilized After Packaging for Surgical and Sanitary Uses"; (remainder of absorbent cotton) the design of a nurse's head accompanied by the word "Hospital," the statements "Surgical Absorbent Cotton This surgical cotton has been processed to a high degree of refinement. It is recommended for sick room, first aid, nursery * * * purposes," and the word "Acme," which constituted a part of the firm name.

On October 19 and 20, 1938, no claimant having appeared, judgment of con-

demnation was entered and the products were ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29779. Adulteration and misbranding of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)." U. S. v. 46 Cans and 14 Cans of Ether. Default decrees of condemnation and destruction. (F. & D. Nos. 44095, 44096, Sample Nos. 33895-D, 33896-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to contain peroxide in 9 of the 10 cans examined. Consequently, it fell below the standard for ether defined in the United States Pharmacopoeia, tenth revision, and for ethyl oxide defined in the said pharmacopoeia, eleventh revision.

On October 24, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cans of ether at Washington, D. C.; alleging that the article had been shipped by Merck & Co., Inc., in part on or about September 7, 1938, from Elizabeth, N. J., and in part on or about September 8, 1938, from Rahway, N. J.; and charging adulteration and mis-

branding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under rames recognized in the United States Pharmacopoeia, namely, "Ether" and "Ethyl Oxide," and differed from the standards of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that its purity fell below the professed standard or quality under which it was sold, i. e., "Ether U. S. P. 10," since it did not conform to the specification of the tenth revision of the pharmacopoeia in that it contained peroxide.

Misbranding was alleged in that the statements on the label, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," were false and misleading since the article did not conform to the specifications of the tenth revision of the pharmacopoeia for ether nor of the eleventh revision of the said pharmacopoeia

for ethyl oxide.

On November 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29780. Adulteration and misbranding of absorbent cotton and gauze bandage. U. S. v. 270 Dozen Packages of Gauze Bandage (and I seizure action against similar products). Default decree of condemnation and destruction. (F. &D. Nos. 42316, 43015, 43016, 43017. Sample Nos. 17134-D, 29621-D, 29622-D, 29623-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, were found

to be contaminated with viable micro-organisms.

On May 6 and July 2, 1938, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 270 dozen packages of gauze bandage at

Baltimore, Md., and 98½ pounds of absorbent cotton and 6½ dozen packages of gauze bandage at Philadelphia, Pa.; alleging that the articles had been shipped between the dates of February 3 and June 3, 1938, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, i. e., sterilized absorbent cotton and surgical gauze, respectively, since they were not sterile.

absorbent cotton and surgical gauze, respectively, since they were not sterile.

Misbranding was alleged in that the following statements, (cotton) "Sterilized

* * * Absorbent Cotton," and "Sterilized After Packaging The White Cross of
Perfection is your Protection Satisfaction Guaranteed"; (portion of bandages)

"Sterilized * * * Surgical Gauze Sterilized After Packaging," and "The
White Cross of Perfection is your Protection"; (remainder of bandages) "Sterilized After Packaging Surgical Sanitary," were false and misleading when applied to articles that were not sterile but were contaminated with viable
micro-organisms.

On November 9, 1938, no claimant having appeared, judgments of condemna-

tion were entered and the products were ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29781. Misbranding of George's Compound. U. S. v. 15 Quart Bottles of George's Compound. Default decree of condemnation and destruction. (F. & D. No. 43014. Sample No. 27318-D.)

The labeling of this product bore false and fraudulent curative and therapeutic

claims and other misrepresentations.

On July 27, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 quart bottles of George's Compound at Billings, Mont.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, by Nick A. George from Casper, Wyo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it consisted essentially of sodium salicylate,

extracts of plant drugs (including hops), sugar, and water.

The article was alleged to be misbranded in that the statement "Herb Compound," appearing in the circular, was false and misleading when applied to an article of the above composition. It was alleged to be misbranded further in that the statement in the circular, "It complies with all pure food and drug laws of the United States," was false and misleading since it created the impression that the article had been examined and approved by the Government of the United States and that the Government guaranteed that it complied with the law; whereas it had not been so examined and approved and did not

comply with the law.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped therewith, falsely and fraudulently represented that it was effective to neutralize foreign poison and to cleanse the entire system of such poison; effective as a treatment, remedy, and cure for rheumatism, some forms of arthritis, inflammatory sciatica, neuritis, lumbago, pleurisy, numb hands and limbs, pains on the side of the neck and in back of ears, bloating, sour stomach, bad breath, burning, dizziness, vomiting, nervousness, kidney and bladder trouble, high and low blood pressure, appendicitis, poor complexion, liver and lung trouble, poor circulation, shortness of breath, chills and fever, infected tonsils, sore throat, mumps, diphtheria, paralysis, cold in throat, chest, or lungs, coughs, ulcers, toothache, loose teeth, soreness in mouth, insomnia, eczema, heart trouble, internal rheumatic fever, flu, yellow jaundice and many other minor ailments, stomach trouble, piles, laryngitis, severe headache, female trouble, delayed monthly periods, and change of life; effective to alleviate suffering due to old age and to kill poisons and purify the blood; effective in the treatment of rundown condition and loss of appetite; as a blood cleanser and tonic; and effective in the treatment of kidney and bladder trouble, asthma, hardening of the arteries, inflammatory rheumatism, sciatic rhemumatism, intestinal flu, foot trouble, insomnia, gas on the bowels, and lumbago.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29782. Misbranding of Pro-Tex Adhesive Gauze Bandage. U. S. v. 110 Adhesive Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 42481. Sample No. 23467-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found

to be contaminated with viable micro-organisms.

On June 2, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 gauze bandages at Salem, Oreg.; alleging that the article had been shipped on or about January 15, 1938, by Pro-Tex Laboratories from Yelm, Wash.; and charging misbrand-

ing in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements, (carton) "Pro-Tex, Safe, Sanitary, Unconditionally Guaranteed, Apply Pro-Tex directly over wound if no sterile gauze is available." (circular) "Pro-Tex, Safe, Sanitary, Pro-Tex Adhesive Gauze Bandage is made by processing rure * * * sterilized gauze," "Pro-Tex is sterilized in the process of manufacturing. It * * * permits air to circulate about the wound. Thus nature is permitted to aid in the natural healing processes," "Pro-Tex is extensively used by hospitals and every branch of the medical profession including physicians and surgeons veterinarians * * * [picture of foot with bandage] Figure 11 shows how Pro-Tex may be used for protecting heel blisters," "For home use * * * to protect * * * cuts and abrasions," and "Pro-Tex is guaranteed for one year from the date of purchase," were false and misleading when applied to an article contaminated with viable micro-organisms.

On September 12, 1938, no claimant having appeared, judgment of condem-

nation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29783. Adulteration and misbranding of quinine sulfate pills. U. S. v. United Drug Co. Plea of guilty. Fine, \$50. (F. & D. No. 40778. Sample Nos. 11978-C, 11991-C, 20165-C.)

This product contained less quinine sulfate than the amount declared on the label.

On April 7, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Drug Co., a corporation trading at Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act in the period from on or about February 5 to on or about March 3, 1937, from the State of Massachusetts into the State of New Hampshire of quantities of quinine sulfate pills which were adulterated and misbranded. The article was labeled in part: "Puretest Quinine Pills" or "Pulverized Pills U D Quinine Sulphate."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of said pills was represented to contain not less than 2 grains of quinine sulfate; whereas each pill did contain less than 2 grains of quinine sulfate, samples taken from the 3 shipments having been found to contain 1.64 grains,

1.55 grains, and 1.62 grains, respectively, of quinine sulfate.

The article was alleged to be misbranded in that the statements, "Each pill contains 2 Grains of Quinine Sulphate" and "Pills * * * Quinine Sulphate 2 Grains," borne on the labels, were false and misleading in that they represented that each of said pills contained 2 grains of quinine sulfate; whereas each of said pills contained a less amount.

On September 20, 1938, a plea of guilty was entered on behalf of the defend-

ant company and the court imposed a fine of \$50.

M. L. Wilson, Acting Secretary of Agriculture.

29784. Misbranding of Nu-Vita Cleaner. U. S. v. One Tub of Nu-Vita Cleaner. Default decree of condemnation and destruction. (F. & D. No. 42469. Sample No. 12306-D.)

The designation of this veterinary product, consisting of the combination of letters "Nu-Vita" and the word "Cleaner," constituted a device regarding its curative and therapeutic effects that was false and fraudulent.

On May 26, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 1 tub, containing 85 pounds of Nu-Vita Cleaner, at Watertown, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 27, 1937, by the Miller Chemical Co. from Waterloo, Iowa; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sugar impregnated

with creosote and colored with a bluish-green coloring matter.

Misbranding was alleged in that the combination of letters, "Nu-Vita" and the word "Cleaner" constituted a device regarding the curative and therapeutic effects of the article that was false and fraudulent in that said device meant to purchasers that the article was an internal antiseptic to clean every vital organ and would be efficacious as a treatment to remove afterbirth from cattle, to prevent sterility and barrenness, to eradicate disease from the herd, to prevent the spread of Bang's disease, and to keep poultry healthy and free from disease, such combination of letters and word having attained such meaning to purchasers as the result of a circular issued by the shipper, entitled "Practical Advice on the Care of Livestock & Poultry," containing therapeutic and curative statements to such effect.

On September 12, 1938, no claimant having appeared, judgment of con-

demnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29785, Misbranding of Cayola, U. S. v. 23 Jars of Cayola. Default decree of condemnation and destruction. (F. & D. No. 44022. Sample No. 30259-D.)

The labeling of this product bore false and fraudulent curative or thera-

peutic claims.

On September 30, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 jars of Cayola at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce on or about July 1, 1938, by D. R. C. Devine from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium sulfate, sugar, sodium bicarbonate, and tartaric acid, with small proportions of

salicylic acid and acetylsalicylic acid.

Misbranding was alleged in that the following statements on the label regarding the curative and therapeutic effects of the article were false and fraudulent: "Relieves Indigestion * * * in a few minutes * * * Wonderful for Arthritis, Rheumatism, Neuritis."

On October 28, 1938, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

29786. Adulteration and misbranding of sandalwood oil. U. S. v. 11 Packages of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 43982. Sample Nos. 26437-D, 27148-D.)

This product failed to conform to the requirements of the United States Pharmacopoeia for sandalwood oil since it did not possess the characteristic

odor of santal, and contained a terpineol, a derivative of phthalic acid, and a benzyl compound, substances foreign to the pharmacopoeial product.

On October 3, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 packages of sandalwood oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, from Wilkes-Barre, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. This product had been shipped originally from New York, N. Y., by the Imperial Drug Exchange to Wilkes-Barre, Pa., and was returned by the consignee, at the request of the shipper. The article was labeled in part: "Sandalwood Oil Pure East India U. S. P. * * * Imperial Laboratories * * New York."

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, "Sandalwood Oil," but differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement "Sandalwood Oil * * * U. S. P." was false and misleading. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the name of another article, sandalwood oil.

On October 20, 1938, no claimant having appeared, judgment of condemnation

was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29787. Misbranding of Millertone. U. S. v. J. S. Miller, Inc., Stanislaw Bulkowski, and Joseph L. Miller. Pleas of guilty by J. S. Miller, Inc., and Stanislaw Bulkowski. Each fined \$50 on count 1 and \$200 on count 2, with fines suspended on count 2 as to both. Information dismissed as to Joseph L. Miller. (F. & D. No. 39446. Sample Nos. 4551-C, 7146-C.)

The labeling of this product bore false and fraudulent representations regard-

ing its curative or therapeutic effects.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. S. Miller, Inc., and Stanislaw Bulkowski and Joseph L. Miller, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 21 and October 9, 1936, from the State of New Jersey into the States of Missouri and Massachusetts, of quantities of Millertone that was misbranded.

Analysis showed that the article consisted essentially of ground senna leaves with small proportions of other plant material, including possibly buckthorn

bark and gentian root.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic or curative effects appearing in the labeling falsely and fraudulently represented that it was effective to keep bowels normal, to obviate gas and catarrhal stomach conditions, to insure health and a healthy strong body, to rid the system of poisons, to restore the healthy wellbeing of children and grown-ups, and to save the seriously ill; effective as a treatment, remedy, and cure for headaches, rheumatism, sciatica, kidney troubles, high blood pressure, neuritis, liver trouble, obesity, indigestion, gas attack and many other ailments; effective as a treatment, remedy, and cure for stomach trouble, dizziness, dyspepsia, biliousness, loss of weight, sleeplessness, general female complaints, arthritis, neuralgia of muscles, chronic constipation, general debility, pains in arms, hips, and knees, lack of appetite, nervousness, overweight, swollen legs, kidney trouble, and its various complications, female troubles, dull feeling in stomach or head, nervous debility, cramps, heart trouble, bronchitis, diabetes, asthma, itching piles, leucorrhea, all diseases encouraged indirectly or directly caused by constination, and female troubles caused or aggravated by constipation poisoning the system; effective as an intestinal cleanser; effective to keep children healthy and strong: effective as a treatment for internal pains and female disturbanes; effective to restore health, to help the sick, to keep one in good condition, to relieve pain and suffering, to preserve health, to restore rosy cheeks and beautiful skin, and to banish sallowness, unsightly pimples, coated tongue, foul breath, tremendous headaches and pains in different parts of the body, rapid palpitation of the heart and difficult breathing, nervousness, sleeplessness and all the symptoms of constipation; and effective as a stomach and bowel cleanser.

On July 2, 1937, pleas of guilty were entered on behalf of J. S. Miller, Inc., and Stanislaw Bulkowski; and on August 16, 1937, the court imposed a fine of \$50 on count 1 and \$200 on count 2 against each of said defendants. Payment of fines on count 2 was suspended and defendant Bulkowski was placed on probation. On December 1, 1938, the case against defendant Joseph L.

Miller was dismissed by the court.

M. L. Wilson, Acting Secretary of Agriculture.

29788. Adulteration and misbranding of gauze roller bandages. U. S. v. 94
Dozen Packages of Gauze Roller Bandage. Default decree of condemnation and destruction. (F. & D. No. 38938. Sample No. 3222-C.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to

be contaminated with viable micro-organisms.

On January 11, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 dozen packages of gauze roller bandage at Los Angeles, Calif.; alleging that the article had been

shipped in interstate commerce on or about September 10, 1936, by Mine Safety Appliance Co. from Wilkinsburg, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, i. e., (label) "Steri-

lized," in that it was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Gauze Roller Bandage * * * (Sterilized)" and "Safety," were false and misleading when applied to an article contaminated with viable micro-organisms.

On October 14, 1938, the case having been called and no claimant having appeared, judgment of condemnation was entered and the product was ordered

destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29789. Adulteration and misbranding of gauze bandage. U. S. v. 118 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 44237. Sample No. 34179-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to be con-

taminated with viable micro-organisms.

On October 25, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 dozen packages of gauze bandage at Baltimore, Md.; alleging that the article had been shipped on or about September 26, 1938, by the Deane Sales Co. from Yonkers, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard under which it was sold, (carton) "Gauze Bandage Sterilized after Packaging," since it was not sterile but was contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms, including gas-

producing organisms.

Misbranding was alleged in that the statement on the label, "First Aid Gauze Bandage Sterilized after Packaging," was false and misleading when applied to an article that was not sterile and was therefore unsuited for use as a first aid in the bandaging of wounds.

On November 18, 1938, no claimant having appeared, judgment of condem-

nation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29790. Adulteration and misbranding of tablets. U. S. v. The Physicians' Chemical & Drug Co., Inc. Plea of guilty. Fine, \$250. (F. & D. No. 42570. Sample Nos. 18653-D, 18661-D.)

This case involved two kinds of tablets, of which one contained acetanilid in excess of the amount declared, i. e., 1.18 grains per tablet instead of 1 grain, as stated on the label; and the other contained a smaller amount of acetophenetidin, a derivative of acetanilid, than that declared on the label, namely, 3.6

grains instead of 5 grains.

On September 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Physicians' Chemical & Drug Co., Inc., trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about April 7, 1938, from the State of Illinois into the State of California of quantities of tablets labeled in part, "Formula Acetantilid Gr. 1 Quinine Sulphate Gr. 1-4 Camphor Gr. 1-4 Capsicum Gr. 1-4 Ext. Cascara Sag. Gr. 1-4 Podophyllin Gr. 1-40 Tr. Gelsemium G. 1-2 Tr. Eupatorium Perf. G. 1 Atropine Sulphate Gr. 1-1200," which were misbranded; and of tablets labeled in part, "Formula * * * Acetphenetidin Gr. 5 Caffeine Gr. 1-2 Camphor monobromated Gr. 1-2 Sodium bicarbonate Gr. 1," which were adulterated and misbranded.

The tablets labeled in part, "Formula Acetanilid Gr. 1" were alleged to be misbranded in that the statement "Acetanilid Gr. 1," borne on the bottle label, was false and misleading in that it represented that each tablet contained 1 grain of acetanilid; whereas each tablet contained more than 1 grain of acet-

anilid.

The tablets labeled in part, "Formula * * * Acetphenetidin Gr. 5," were alleged to be adulterated in that they fell below the professed standard and quality under which they were sold since each tablet was represented to contain 5 grains of acetophenetidin; whereas each of said tablets contained less than 5 grains of acetophenetidin. They were alleged to be misbranded in that the statement "Acetphenetidin Gr. 5," borne on the bottle label, was false and misleading in that it represented, that each of the tablets contained 5 grains of acetophenetidin; whereas each of the tablets contained a less amount.

On November 29, 1938, a plea of guilty was entered on behalf of the defendant

and the court imposed a fine of \$250.

M. L. Wilson, Acting Secretary of Agriculture.

29791. Adulteration and misbranding of hospital cotton. U. S. v. 69 Cartons of Hospital Cotton. Default decree of condemnation and destruction. (F. & D. No. 43920. Sample No. 30632-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to be con-

taminated with viable micro-organisms.

On September 20, 1938, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cartons of hospital cotton at Clovis, N. Mex.; alleging that the article had been shipped on or about April 8, 1938, by the Scotch-Tone Co. from Oklahoma City, Okla.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, (carton) "sterilized after packaging," since it was not sterile but was contaminated with viable micro-

organisms.

Misbranding was alleged in that the statements "Hospital cotton * * * sterilized after packaging" and the design of a surgeon and nurse, borne on the label, were false and misleading when applied to absorbent cotton that was not sterile.

On November 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29792. Adulteration of nitrous oxide. U. S. v. One Tank of Nitrous Oxide. Consent decree of condemnation and destruction. (F. & D. No. 43922. Sample No. 33253-D.)

This product fell below the standard prescribed in the United States Pharmacopoeia for nitrous oxide in that it contained less than 95 percent of nitrogen

monoxide.

On September 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tank of nitrous oxide at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 4, 1938, by Wall Chemicals, Inc., from Detroit,

Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, namely, nitrous oxide, but differed from the standard of strength, quality, or purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, or purity was not stated upon the container.

On November 3, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29793. Adulteration and misbranding of pennyroyal; and misbranding of boil salve, flaxseed, sage leaves, blackberry root and ginger compound, stomach bitters, sarsaparilla compound, catnep herb, and Alkalade. U. S. v. The De Pree Co., a corporation, and Willis A. Biekema. Pleas of nolo contendere. The De Pree Co. fined \$150. No sentence imposed against Willis A. Diekema. (F. & D. No. 42528. Sample Nos. 60202-C, 60205-C, 60206-C, 60209-C, 60218-C, 60214-C, 60216-C, 60217-C,

This case involved a lot of pennyroyal which was adulterated with seeds and seed pods, and which contained filth; one lot of Alkalade the labeling of which bore false and fraudulent curative and therapeutic claims, and false and misleading representations that it was safe and harmless; and several lots of other drugs the labeling of which bore false and fraudulent curative and therapeutic claims.

On September 14, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation, and Willis A. Diekema, Holland, Mich., alleging shipment by said defendants in part on or about September 24, and in part on or about October 8, 1937, from the State of Michigan into the State of Illinois of quantities of the above-listed drugs which were misbranded and one of which (pennyroyal) was also adulterated. The articles were labeled variously: "Nurse Brand Boil Salve"; "San-Tox Nurse Brand Flaxseed"; "San-Tox Nurse Brand Sage Leaves"; "Blackberry Root and Ginger Compound Nurse Brand"; "San-Tox Stomach Bitters"; "Nurse Brand Sarsaparilla Compound"; "San-Tox Nurse Brand Pennyroyal"; "San-Tox Nurse Ground Catnep Herb"; and "Alkalade."

Analyses showed that the boil salve consisted essentially of zinc oxide and a small proportion of phenol in a specially prepared base; that the sarsaparilla compound consisted essentially of potassium iodide, extracts of plant drugs (including an emodin-bearing drug), alcohol, sugar, and water; that the blackberry root and ginger compound consisted essentially of extracts of plant material (including ginger), a small proportion of volatile oils (including oil of cloves and oil of nutmeg), alcohol, and water; that the stomach bitters consisted essentially of extracts of plant drugs (including an alkaloid-bearing drug), sugar, and water; that the Alkalade consisted essentially of sodium bicarbonate, sodium phosphate, citric acid, and tartaric acid; that the pennyroyal consisted chiefly of leaf fragments, seeds, and seed pods of pennyroyal, contaminated with a large amount of rodent excreta; and that the remaining products were sage leaves, flaxseed, and catnep, respectively, as labeled.

The pennyroyal was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be pennyroyal, i. e., dried leaves and flowering tops of the pennyroyal plant; whereas it consisted essentially of leaf fragments, seeds, and seed pods of the pennyroyal plant, and was contaminated with a large amount of rodent excreta. It was alleged to be misbranded in that the statement "Pennyroyal" was false and misleading.

The Alkalade was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to keep the system "on the alkaline side," to neutralize the acid ash formed by the metabolism of many staple foods, to aid in the elimination of food poisons through the kidneys and by the action of sodium phosphate in the bowel, to restore the normal acid-base balance of the body, to dispel the sensation of fatigue and lack of pep, to help overcome "that hot weather tired feeling"; and, if due to the presence of excess acids in the system, effective as a treatment and prevention of certain common disorders, such as indigestion, heartburn, gas, sour stomach, dizziness, sick headache, bad breath, sleeplessness, nerve exhaustion, tendency to catch cold easily, and "morning after"; and effective as a safe and harmless treatment in the various conditions for which it was recommended. The Alkalade was alleged to be misbranded further in that the statement on the label, "Safe and Harmless," was false and misleading since it contained sodium bicarbonate, sodium phosphate, and tartaric acid, which substances are not safe and harmless in that they are capable of producing harmful effects.

The remaining products were alleged to be misbranded in that certain statements, designs, and devices in the labeling regarding their therapeutic and curative effects falsely and fraudulently represented that the boil salve was effective for the abortion of incipient boils; that the flaxseed was effective as a relief from habitual constipation, and as a treatment, remedy, and cure for catarrh, dysentery, and other inflammatory affections of the mucous membrane of the lungs, intestines, and urinary tract; that the sage leaves were effective as a tonic, and as an aid in the treatment of malaria, colliquative sweats, and rheumatic fevers; that the blackberry root and ginger compound was effective as a treatment, remedy, and cure for relaxed conditions of the bowels; that the stomach bitters were effective as a tonic for the stomach and alimentary canal, and effective to promote the functions of the stomach and alimentary canal by fostering the secretion of the natural digestive fluids, and to increase the number of leucocytes in the blood, causing a more rapid absorption of the digestive proteids into the system, and effective as a tonic in cases of loss of appetite, incomplete digestion, dyspepsia, and weakened conditions caused by gastric debility; that the sarsaparilla compound was effective as a relief of symptoms popularly believed to arise as a result of impurities of the blood; and that the catnep herb was effective as a treatment, remedy, and cure for colic in children, and as an emmenagogue in amenorrhea and dysmenorrhea.

On September 22, 1938, pleas of nolo contendere were entered on behalf of the defendants, and on October 23, 1938 the court imposed a fine of \$150 against the De Pree Co. No sentence was imposed against Willis A. Diekema.

M. L. Wilson, Acting Secretary of Agriculture.

29794. Misbranding of Dr. McCane's Pep Tonic. U. S. v. T. A. McCane (Queen Ann Co.). Plea of guilty. Fine, \$100. (F. & D. No. 40825. Sample No. 53658-C.)

The labeling of this product contained false and fraudulent representations

regarding its curative and therapeutic effects.

On July 27, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against T. A. McCane, trading as the Queen Ann Co. at Atlanta, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 23, 1937, from the State of Georgia into the State of Alabama, of a quantity of Dr. McCane's Pep Tonic which was misbranded. The article was labeled in part: "Dr. McCane's Pep Tonic * * * Homer Hill, Jr. * * * Mobile, Ala."

Analysis showed that the article consisted essentially of an aqueous solution of iron chloride, magnesium sulfate, and sodium lactate, with a small amount

of plant material and a minute amount of an unidentified alkaloid.

The article was alleged to be misbranded in that certain statements and a design regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was capable of imparting pep and of acting as a general tonic; was a remedy for ailments originating in the blood, liver, and kidneys; was a remedy for sick headaches, tired, dizzy feeling in the morning, habitual constipation, indigestion, sour stomach, biliousness, and bad liver with coated tongue; was helpful in the prevention of flu, and was "so remedial and helpful, irrespective of whatever the user thereof might eat"; that it was effective medicinally in the treatment of diseases and disorders of the heart, liver, kidneys, and intestines; that it was effective to correct bad kidneys and to prevent or avert backache, rheumatism, and dizzy feelings, to purify the blood, to remedy bad blood, and to prevent torpid liver and high blood pressure by cleansing and activating the liver and removing the bile therefrom; that it was effective as a remedy for laziness and a drowsy, tired sleepy feeling; was effective to cause persons who feel well to feel better and to give them a new lease on life, to relieve in one day bad cough, la grippe, fever, weakness and tired feeling, pain in neck, side, or shoulders; that it would relieve bad headache in 2 hours; that it was effective in the treatment of sick stomach, belching, bladder or kidney trouble, rheumatism, women's trouble; and was effective to "fix" the user thereof so that his work would not tire him, and would enable him to do his work with an ease amplified 10 times.

On October 3, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$100.

M. L. Wilson, Acting Secretary of Agriculture.

29795. Adulteration and misbranding of Kalms. U. S. v. 199 Packages of Kalms. Default decree of condemnation and destruction. (F. & D. No. 41828. Sample No. 13905–D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims, and it further indicated that the product when taken according to directions, was a safe and appropriate medicament; whereas it was a

dangerous drug when taken as directed.

On February 25, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 packages of Kalms at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about October 5, 1937, and January 19, 1938, by Seabury, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing as essential medicinal ingredients: Aminopyrine (amidopyrine, 2½ grains per tablet),

antipyrine, and caffeine.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (metal container)

"Kalms Formula (* * *) Amidopyrin 3 grains."

It was alleged to be misbranded in that the device "Kalms" on the metal container and display carton, and the statements on the display carton, "Relief For Headache Neuralgia Muscular & Rheumatic Pains * * * that storm of Pain will yield to Kalms * * * Kalms are suggested for Colds * * * Headache, Neuralgia, Muscular and Rheumatic Pains," and the statements on the metal container, "Rapid Pain Relief For headache, colds, neuralgia, muscular and rheumatic pains * * * Kalms Formula Antipyrin 2 grains Amidopyrin 3 grains Caffein ½ grain Directions Take one or two Kalms tablets at first indication of pain. If relief does not follow in half hour, take one tablet. Do not repeat dose thereafter for two hours," were false and misleading in that they created the impression that the article when taken as directed, was a safe medicament; whereas when taken as directed, it was not safe but was a dangerous medicament.

Misbranding was alleged further in that the device and the above-quoted statements, regarding the curative and therapeutic effects of the article, were false and fraudulent in that they created the impression that the article when used as directed, was a safe and appropriate medicament for the disease conditions mentioned; whereas it was a dangerous medicament when used as directed. Misbranding was alleged further in that the following statements on the metal container and display carton regarding the curative or therapeutic effects of the article were false and fraudulent: (Metal container) "Rapid Pain Relief For * * * neuralgia * * * and rheumatic pains"; (display carton) "Relief For * * * Neuralgia * * * & Rheumatic Pains * * * Kalms are suggested for * * * Neuralgia * * * and Rheumatic Pain * * * that storm of Pain will yield to Kalms."

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29796. Adulteration of nitroglycerin tablets and misbranding of Glophen Tablets. U. S. v. Westwood Pharmacal Corporation. Piea of guilty. Fine, \$100. (F. & D. No. 39503. Sample Nos. 20117-C, 27759-C, 54725-B.)

This case involved nitroglycerin tablets which contained less nitroglycerin than declared on the label, and Glophen Tablets which contained sodium nitrite in

excess of the amount declared.

On June 21, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westwood Pharmacal Corporation, Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 28 and September 23, 1936, from the State of New York into the State of Pennsylvania of quantities of nitroglycerin tablets which were adulterated, and on or about February 4, 1937, from the State of New York into the State of New Hampshire of a quantity of Glophen Tablets which were misbranded. The articles were labeled respectively: "Nitro Glycerin 1/100 gr. * * * Prepared for Physicians Service Co. Sayre, Pa."; and "Glophen (Marcy) * * * Sodium Nitrite 1 Gr. * * * Distributed by E. H. Marcy Drug Co. * * * Hillsboro, N. H."

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one one-hundredth of a grain of nitroglycerin; whereas each tablet did not contain one one-hundredth of a grain of nitroglycerin, but did contain a less amount, samples from the two shipments having been found to contain one one-hundred twenty-fifth of a grain and one one-hundred thirtieth of a grain, respectively, of nitroglycerin, per tablet.

The Glophen Tablets were alleged to be misbranded in that the statement "Sodium Nitrite 1 Gr.," borne on the label, was false and misleading in that it represented that each tablet contained 1 grain of sodium nitrite, whereas each of said tablets contained more than 1 grain, namely, not less than 1.175 grains of sodium nitrite.

On November 18, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50 on each of the three counts but suspended payment on count 1.

M. L. Wilson, Acting Secretary of Agriculture.

29797. Misbranding of Ongman's Egg Producer and Ongman's Bag Healer. U. S. v. The Heinrich Chemical Company of California and Ward S. Ongman. Pleas of guilty. Fine, \$10. (F. & D. No. 42597. Sample Nos. 15022-D, 15023-D.)

The labeling of these products bore false and fraudulent curative and thera-

On November 9, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Heinrich Chemical Company of California, of Oakland, Calif., and Ward S. Ongman, president of said company, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 2, 1938, from the State of California into the State of Washington of quantities of Ongman's Egg Producer and Ongman's Bag Healer which were misbranded.

Analysis showed that the Egg Producer consisted essentially of calcium carbonate, a wheat product, calcium phosphate, charcoal, iron compounds, sulfur, a fatty acid, and plant material including gentian root; and that the Bag Healer consisted essentially of oil of turpentine, a small proportion of zinc compound,

and a trace of fatty acid incorporated in a petrolatum base.

The Egg Producer was alleged to be misbranded in that certain statements borne on the package, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a poultry tonic; effective to keep birds in a healthy condition, to act upon the various organs, to greatly stimulate their egg-laying propensities, to help young chicks grow, to cause the digestive and assimilative organs to become more active, to keep the health and vigor of chicks at their best, and to produce rapid growth, effective as a treatment, remedy, and cure for chicken cholera; effective as a disease preventative and to keep the flock in a vigorous condition and enable it to withstand disease; effective to shorten the time of inactivity resulting from molting, and to assist in restoring the vigor and egg-laying propensities of the flock; and effective to maintain the vigor of fowls and thus avoid the onset of pests.

The Bag Healer was alleged to be misbranded in that certain statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to help heal; effective as a splendid healing agent for swelling; effective in the treatment of inflammation of the udder, mammitis, or bloody milk; and effective in the treatment of hardness

in the bag and caked udder and many bag and udder troubles.

On November 15, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$10.

M. L. Wilson, Acting Secretary of Agriculture.

29798. Adulteration and misbranding of Bromo-Ease and Effervescent For Headaches; misbranding of Effervescent Alkaline Tablets. U. S. v. Honoroff Laboratories, Inc., and Fred A. Honoroff. Pleas of nolo contendere. Fine, \$150 and costs. (F. & D. No. 40751. Sample Nos. 34441-C, 68407-C, 9411-D, 21414-D.)

The Bromo-Ease and the Effervescent for Headaches contained less acetanilid than declared, and the labeling of the former bore false and fraudulent curative and therapeutic claims. The container of the Effervescent Alkaline Tablets failed to bear a statement of the quantity or proportion of acetanilid contained in the article and did bear false and fraudulent curative and therapeutic representations.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Honoroff Laboratories, Inc., Chicago, Ill., and Fred A. Honoroff, president and treasurer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about May 5, 1937, to on or about March 7, 1938, from the State of Illinois into the States of Indiana and Pennsylvania, of quantities of Bromo-Ease and Effervescent for Headache which were adulterated and misbranded, and of a quantity of Effervescent Alkaline Tablets which were misbranded. The articles were labeled in part, variously: "Better-Brand Bromo-Ease * * Better Products Co., Owners & Dist. Marion, Ind."; "Better-Brand Effervescent for Headaches, Better Products Co., Owners and Distributors, Marion, Indiana"; "Effervescent Alkaline Tablets * * Honoroff Laboratories, Chicago, Ill."

Analysis of the Bromo-Ease showed that it contained 6.33 grains of acetanilid per ounce and small proportions of caffeine, citric acid, and sodium bicarbonate.

Analysis of the Effervescent Alkaline Tablets showed that they consisted essentially of sodium bicarbonate, potassium bitartrate, citric acid, acetanilid (1.1 grains per tablet), and acetylsalicylic acid. Analysis of the Effervescent for Headaches showed that it contained not more than 14.24 grains of acetanilid per ounce.

The Bromo-Ease was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, "Each oz. contains 20 grains of acetanilid"; whereas each ounce of the article contained not more than 6.33 grains of acetanilid. It was alleged to be misbranded in that the statement "Each oz. contains 20 grains of acetanilid" was false and misleading since the article contained not more than 6.3 grains of acetanilid per ounce. It was alleged to be misbranded further in that certain statements on the tube container of the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a means of relief from stomach disorders.

The Effervescent for Headaches was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each ounce contains approximately 20 grains acetanilid," since each ounce of the article contained less than the amount declared, samples taken from the two shipments having been found to contain 14.24 grains and 14.91 grains, respectively, of acetanilid. It was alleged to be misbranded in that the statement "Each oz. contains approximately 20 grains of acetanilid" was false

and misleading.

The Effervescent Alkaline Tablets were alleged to be misbranded in that the package failed to bear a statement of the quantity and proportion of acetanilid contained in the article. They were alleged to be misbranded further in that certain statements on the card to which the envelopes containing the article were attached falsely and fraudulently represented that they were effective in the treatment of rheumatism.

On November 28, 1938, pleas of nolo contenders were entered on behalf of the defendants, and the court imposed a joint fine of \$150 and costs.

M. L. Wilson, Acting Secretary of Agriculture.

29799. Misbranding of Anti-Firin. U. S. v. Six Cans of Anti-Firin. Default decree of condemnation and destruction. (F. & D. No. 44277. Sample No. 34646-D.)

The labeling of this product bore false and fraudulent curative and thera-

peutic claims.

On November 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of Anti-Firin at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 25, 1938, by the Marvel Remedies Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of castor oil, methyl

salicylate, and a red dye.

The article was alleged to be misbranded in that the can label and a circular shipped with it bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of fistula, wire cuts, harness sores and wounds, lameness, cracked heels, thrush, bow tendons, splints, big knees, ringbone, sidebone, and warts of horses, caked bag and warts, foxtail, wire cuts, lameness of cows, lameness, mange, minor cuts and wounds, stiffness of dogs, and boils of human beings.

On November 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

29800. Adulteration of nitrous oxide. U. S. v. 12 Cylinders of Nitrous Oxide (and 5 other scizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44278 to 44283, inclusive. Sample Nos. 38881-D, 38884-D to 38891-D, inclusive.)

This product fell below the standard prescribed by the United States Pharma-

copoeia for nitrous oxide.

On or about November 5, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 40

cylinders of nitrous oxide at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce by the Cheney Chemical Co. from Cleveland, Ohio, within the period from on or about February 11, 1938, to on or about September 22, 1938; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein since it was labeled "nitrous oxide," a drug defined in the pharmacopoeia as containing not less than 95 percent by volume of nitrous oxide; whereas it contained from 83 percent to 91.6 percent of nitrous oxide, and its own standard was not stated on the label.

On November 28, 1938, no claimant having appeared, judgments of condemna-

tion were entered and the product was ordered destroyed.

M. L. Wilson, Acting Secretary of Agriculture.



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